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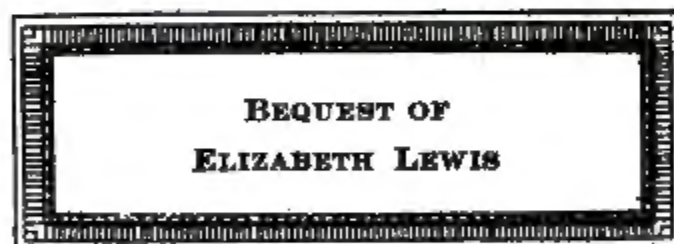
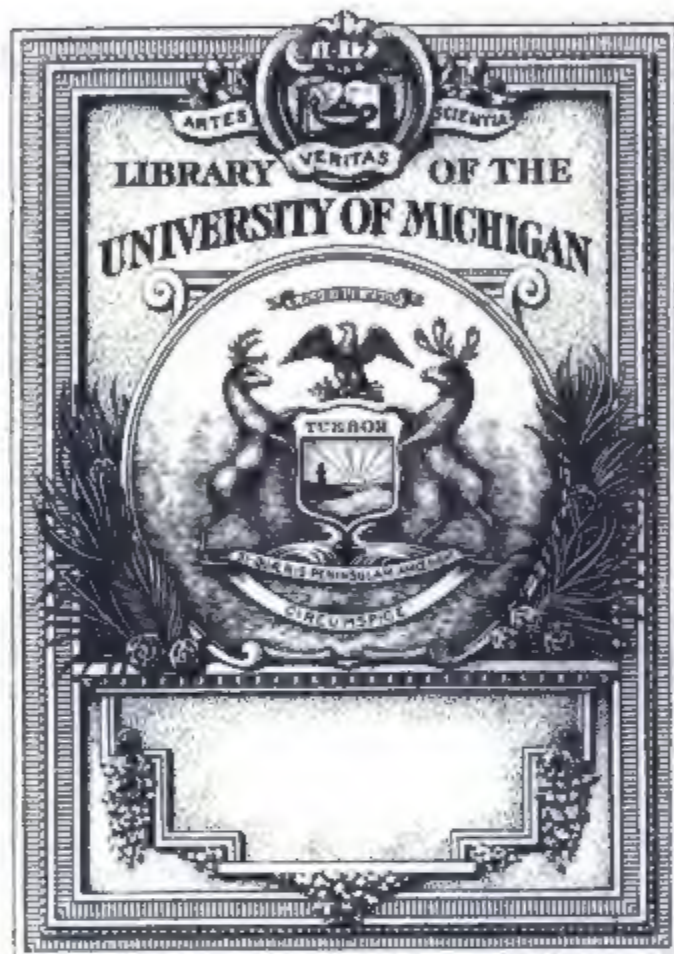
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RECORDS OF THE CAPE COLONY.

Cape of Good Hope

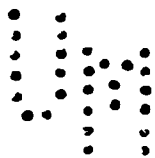
RECORDS OF THE CAPE COLONY

From 1st JANUARY to 24th FEBRUARY 1827.

COPIED FOR THE CAPE GOVERNMENT, FROM THE
MANUSCRIPT DOCUMENTS IN THE PUBLIC
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BY

GEORGE M^cCALL THEAL, D.Lit., LL.D.,
COLONIAL HISTORIOGRAPHER.



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RECORDS OF THE CAPE COLONY.

[Office Copy.]

Letter from EARL BATHURST *to* MAJOR GENERAL BOURKE.

DOWNING STREET, LONDON, 1st January 1827.

SIR,—The Reverend Mr. Rishton, a Roman Catholic Clergyman, having been recommended to me by the Reverend Dr. Poynter, as a fit person to officiate in that capacity to the Roman Catholics residing at the Cape, I have to desire that you will direct that an annual Salary of One hundred Pounds Sterling be issued to the Reverend Mr. Rishton during his residence in the Colony. I am &c.

(Signed) BATHURST.

[Copy.]

Memorial of MR. JOHN CHISHOLM.

To His Honor Major-General Bourke, Lieutenant-Governor,
and the Honorable the Members of the Council at the
Cape of Good Hope.

The Memorial and Petition of John Chisholm, Superintendant of the Town Water Works, respectfully sheweth

That in the month of March 1811 Memorialist who was then Engineer of Water Works at Londonderry, at a permanent salary of £200 per annum with liberty to carry on business on his private account (in the premises belonging to the said Works), received a letter from the late John Rennie, Esqre., copy of which he has the honor to annex, offering him the

situation of Superintendant of the then projected Water Works in Cape Town.

That Memorialist, conceiving the situation temporary, at first declined, but being subsequently informed by Mr. Rennie and the late Henry Alexander Esq., that the situation was permanent, that he should enjoy the same privileges as he had at Londonderry, and that he might calculate his probable earnings at (£1000) one thousand pounds per annum, and being urged by Mr. Alexander to accept the situation he at length assented, and having received from Mr. Rennie an outline of the proposed works, he proceeded to order the necessary materials, and when the same were completed, embarked for this settlement, having been previously honored with the thanks of the Corporation of Londonderry for his services there, and bearing a letter from Sir George Hill to Sir John Cradock, specifying the works he had been engaged in, the satisfaction he had given, and soliciting him not to allow the situation to which Memorialist was coming to be less advantageous to him than the one he had left.

That upon his arrival His Excellency the Governor and the Colonial Secretary, considering that £400 in this Colony was not nearly equivalent to £200 in Ireland, caused premises to be provided combining a residence for himself and family with the necessary workshops and stores required for the works ; and Memorialist has been frequently employed under Sir John Cradock and Lord Charles Somerset in works unconnected with his situation, and has always been paid for the same independent of his salary, but that all the advantages he has received have not amounted to an equivalent, inasmuch as after fourteen years during which he believes he can neither be charged with want of economy or industry, he finds himself in a worse situation than when he first landed in this Colony.

That Memorialist on the 20th ultimo received a letter from the Burgher Senate stating the opinion of his Honor the Lieutenant Governor that the Civil Engineer lately appointed to this Colony by His Majesty's Government will be fully enabled in addition to his other duties to superintend the keeping in proper repair the Water Works and to control the regular supply of water for the inhabitants, with the aid of the inferior assistants in his department, and the propriety of

relieving the Town Treasury from the expense of Memorialist's salary at the end of the year, and he has twice received an intimation that he is to continue in his situation until the 31st March next, and is requested to make up his mind in the interim as to his return, with his family to England.

That in the preamble to the agreement entered into in England by Memorialist it stated that Earl Caledon by his Military Secretary Colonel Bird has requested a proper person to superintend the Water Works and have the permanent management thereof, and that Mr. Rennie had in consequence of such directions and under the authority of the Earl of Liverpool proposed to and agreed with Memorialist that he should become the Superintendant of the said work and take the permanent management thereof, and although in the conclusion of his agreement a term of five years, or until the whole of the works with everything incident thereto shall be completed, is mentioned, yet Memorialist then did and still does believe the same was only intended to oblige him to remain until the works were so completed, and to give him a right to demand a passage for himself and family to England, with a continuance of pay up to his arrival in London at any time after the completion of the said works, but leaving it to him to continue in the permanent management of the water works according to the words of the preamble, and in support of such opinion he begs to refer to the annexure No. 2, being copy of a letter from his uncle to whom he had written that he would not accept the offer unless for a permanency.

That at the time he accepted said offer he held the situation as Superintendant of Water Works at Londonderry, although the works had been constructed near five years previous, and he was repeatedly urged to continue in the situation and would not have relinquished the same for a temporary appointment.

That if Memorialist had acted as Superintendant of Water Works in the United Kingdom for twenty one years, he would in the event of wishing to retire have been allowed a pension, and in case of his death, an allowance would have been made to his family.

Memorialist trusts that he may safely refer to the Burgher Senate and the inhabitants at large to prove that he has dis-

charged the duties of his situation to the general satisfaction, he ventures to assert that during the construction of the works, at all hours, in all seasons, he was to be found sparing no pains, and avoiding no exposure which might forward the undertaking entrusted to him.

Memorialist without assuming that fourteen years of service in this Colony is equal to twenty one in the United Kingdom, begs to submit that he is desirous to continue in the management of the Water Works already constructed and the superintendence of such others as are projected, and is, as he always has been, willing to perform any professional services which may be required by the Town Administration, though not connected with the Town Water Works, without any extra charge.

Wherefore Memorialist humbly prays that your Honors will be pleased to direct that Memorialist shall be continued in his present situation until an opportunity shall have been afforded of laying the whole circumstances of his case before the Earl of Liverpool, and receiving the directions of His Majesty's Government thereon.

And your Memorialist as in duty bound will ever pray &c.

(Signed) JOHN CHISHOLM,
Superintendent Town Water Works.

CAPE TOWN, 1st January 1827.

[Office Copy.]

Letter from EARL BATHURST *to* MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, 2nd January 1827.

SIR,—I have to acknowledge the receipt of your dispatch No. 93 of the 25th of October last, in which you recommend as a fit object of His Majesty's clemency, a female Slave, named Sila, who having been condemned to death for the murder of her child was reprieved by the Governor, and is now detained in prison.

Mr. Secretary Peel, to whom I have communicated your dispatch and the proceedings on the trial of the Prisoner, has

expressed to me his opinion that this is a case in which it would have been salutary, by suffering the law to take its course, to impress on the minds of the half civilized inhabitants of the Colony, that a parent is not justified under any circumstances in taking away the life of a child.

His Majesty's Government would be unwilling, however, in any case, to direct a capital punishment to be executed contrary to the opinion of the Governor of the Colony ; but before His Majesty can be advised as to the degree to which in the present case the capital punishment might be reduced, it will be indispensably necessary that I should be informed of the cause of the great delay which has occurred in applying for my instructions respecting the prisoner, and particularly how it has happened that a female under sentence of death has, during her imprisonment, borne two illegitimate children. Upon these points your dispatch contains no information whatever ; and I am under the necessity, therefore, of desiring that you will immediately cause a strict enquiry into all the circumstances of the case, taking care to ascertain why the Officers who reported the pregnancy of the prisoner in the first instance, omitted to report to the Governor when there no longer existed that impediment to the execution of the capital punishment. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR-GENERAL BOURKE to R. W. HAY, ESQRE.

GOVERNMENT HOUSE, CAPE TOWN, *January 2nd 1827.*

MY DEAR SIR,—With reference to Earl Bathurst's despatch of the 9th September last, No. 302, I take the liberty of enclosing a copy of a letter from the Secretary of the Treasury to Assistant Commissary General Hewetson, dated 4th January 1825, by which you will perceive that the course I pursued in forwarding the Requisition for Clothing for the use of the Government Slaves in this Colony, and which Earl Bathurst has considered irregular, has been in conformity to the orders of the Lords of the Treasury.

I have troubled you with this explanation chiefly because I shall soon again be called upon to forward a similar requisition for the next year, and hope I shall not be incorrect in taking the same course, as the Officer at the Head of the Commissariat is precluded from transmitting these requisitions. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

TREASURY CHAMBERS, 4th January 1825.

SIR,—The Lords Commissioners of His Majesty's Treasury having had before them your letter of the 30th July last, transmitting a requisition made by the Director of the Slave Lodge for clothing for the Government Slaves, I am commanded by my Lords to acquaint you that they have transmitted this requisition to the Board of Ordnance with directions to provide the Articles required therein. My Lords have also to observe to you that requisitions of this description should in future be transmitted to this Board by the Government of the Cape. I am &c.

(Signed) GEO. HARRISON.

Assistant Commissary General Hewetson,
Cape of Good Hope.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. THOMAS WILLSON.

DOWNING STREET, 2nd January 1827.

SIR,—Mr. Secretary Peel having referred for Earl Bathurst's consideration the Petition addressed by you to His Majesty on the 31st of October last, I have received his Lordship's directions to acquaint you that there is nothing contained in that Petition which would warrant his Lordship to alter the decision which has already been taken on your claims.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. JABEZ HENRY to R. W. HORTON, ESQRE.

24 DOWNING STREET, *January 2nd* 1827.

SIR,—I have the honor to acknowledge your note of the 26th ultimo, dated from Brighton, acquainting me that in consequence of certain circumstances connected with the Cape of Good Hope it is necessary that a permanent Chief Justice should be immediately appointed for that Colony, and that as I cannot *now* accept the appointment a Gentleman is on the point of being selected for the Situation.

I feel much obliged, Sir, by your attention in communicating to me this information, as I shall thereby be freed from making any arrangement for again leaving England, and I beg to assure you that whatever my expectations may have been of honor and emolument from that appointment, the offer of which I must own was highly flattering to my feelings, I most cheerfully relinquish them for the benefit of the Public Service.

I remain &c.

(Signed) JABEZ HENRY.

[Office Copy.]

Letter from EARL BATHURST to MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, *3rd January* 1827.

SIR,—With reference to the correspondence which has taken place on the subject of a deficiency in the Revenue of Customs at the Port of Table Bay, occasioned by the peculation of a Clerk, I transmit to you herewith a copy of a letter which has been received from the Secretary to the Board of Treasury, covering copies of a Memorial from Mr. Blair, the Collector of Customs, and of a Minute containing the decision of the Lords Commissioners thereon; and I have to desire that you will take the necessary measures for carrying their Lordships' wishes into effect. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 3rd January 1827.

MY LORD,—I have the honor to inform your Lordship that the Permanent Sitting Commissioner in Cape Town and the Landdrost of the Cape District have frequently represented to me the urgent necessity of establishing some Bridewell or House of Correction to which riotous and abandoned Females (of which there are but too many in this Town and its immediate neighbourhood) might be committed, and there kept to work. In the tronk or common gaol there is not sufficient accommodation for this class of Culprits, this prison being very deficient both in capacity and arrangement, and usually crowded to an inconvenient degree either with Prisoners of the worst description or with Slaves committed by their masters for what is here termed domestic correction. Finding the representations of the Magistrates to be well founded and that the evil complained of had increased considerably since the infliction of corporal punishment on females has been laid aside, and is still encreasing, I suggested to the Burgher Senate, to whom the Police of the Town is in some degree confided, the expediency of converting a part of the large Building generally used as the Town Granary into a Bridewell. The Burgher Senate have acceded to this proposal and are fitting up a tolerable prison of the kind required at an expense of about four hundred Pounds to be defrayed from the Granary Fund. The cost of maintaining the Prisoners there will be borne by the Colonial Treasury as having now this charge in the common gaol. A Keeper and Matron for the new prison will be obtained for the present from the Police, and thus little or no encreased expence will be occasioned by this very necessary Establishment. The probability of a new Gaol being built in Cape Town appearing to be very remote, I thought it advisable no longer to delay endeavouring to repress by the means proposed the very disgraceful exhibitions which are now so frequent in the public streets of this Town, and for which no adequate remedy at present exists. Every means

will be taken for effecting the reformation of those committed to the Bridewell, and as opportunities offer they will be sent as Servants to remote parts of the Colony. The Building is so arranged that Male vagrants may be confined in it (if it shall be found necessary) and apart from the Females.

I trust this Police arrangement will meet your Lordship's approbation. It is not indeed as comprehensive or as perfect as I could wish, but it is suited to the limited pecuniary resources of the Colony. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from J. T. BIGGE, ESQRE., to EARL BATHURST.

CAPE TOWN, 3rd January 1827.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch dated 19th September 1826 addressed to my colleagues and myself, in which we are directed to lose no time in transmitting to your Lordship the observations that we may wish to make upon the contents of a letter that has been addressed to your Lordship by Lord Charles Somerset after the perusal of our Supplementary Report dated 14th December 1825, and in which his Lordship seems to consider that from our having omitted to make mention of the circumstances which in his opinion have led to the depreciation of the colonial currency and of the exertions that he made to arrest it, we have rendered his Lordship's vindication from the insinuations of personal and interested views contained in the petition of Mr. Bishop Burnett to the House of Commons less decisive, and have deprived him of the credit to which he thinks that he may justly lay claim for the adoption of measures the tendency of which was beneficial to the Colony, and which conclusively repel the imputation of any interested connivance in the continuance of an acknowledged evil.

Altho' I feel reason to regret that the performance of this duty should have devolved upon me at a moment in which I

am deprived of the valuable assistance of my colleague, yet that regret is diminished when I recollect that your Lordship must ere this have been in possession of our joint opinions upon the origin of the paper currency and the causes to which the depreciation in its value may be attributed. Without troubling your Lordship therefore with a repetition of the details contained in our report upon this subject, I shall confine my observations to the circumstances mentioned by Lord Charles Somerset as affording undeniable proofs of the disinterested spirit manifested by him in regulating the payments of the sterling salaries, and of his anxiety to stop the progressive depreciation of the Colonial Currency. Before I reply however to these observations, I will allude to that which is made upon the sixth paragraph of our report, wherein we make mention of a prevailing belief in the community that "the influence of the Governor over the Discount Bank enabled him to afford temporary accommodation to the Commissariat Department," an assertion which has appeared to Lord Charles Somerset to be unsupported by any document or evidence.

Imputing the origin of that belief to the same circumstance to which Lord Charles Somerset has attributed it, namely the occasional repayment to the Commissariat Department of advances of money and of supplies made to the Colonial Government for the subsistence of the troops on the frontier, I beg leave to refer your Lordship to the enclosed remarks upon the origin and present state of the Colonial Currency, which was transmitted to us by the Committee of the Commercial Exchange not as containing their opinions upon the subject but as affording us information which would tend to explain it. It was under the same impression of the existence of this belief that questions were addressed by us to the gentlemen who had been at the head of the Commissariat Department, for the purpose of ascertaining the grounds upon which it was presumed to be founded, and whether the frequency of the resort that had been made by that Department to the Colonial Treasury was such as to supersede the necessity of obtaining supplies of money by the disposal of bills drawn upon the Lords Commissioners of the Treasury.

After recapitulating the circumstances which in his opinion have led to the depreciation of the Colonial Currency in

exchange with England, Lord Charles Somerset appeals to certain measures which he adopted as clearly vindicating him from the charge of being influenced by any presumed personal interest in the depreciation, and as proofs of the anxiety with which he availed himself of any circumstance that had a tendency to counteract it. Upon this point he has referred your Lordship to a letter of Mr. Assistant Commissary General Rogerson, in which it is stated that the alteration in the mode of calculating the rate of exchange at which the salaries of the civil servants were paid by taking the average rates of accepted tenders received during the quarter instead of that of the three highest tenders was introduced by his Lordship.

I beg to assure your Lordship that this circumstance did not escape our attention, and that we should not have failed to ascribe to Lord Charles Somerset the full share of credit that would have been due to the proposer of such an arrangement, if we had not found by evidence not only that his Lordship's pretensions to the merit of originating this measure appeared to be questionable, but that it was one to which he is stated to have given a reluctant consent.

The next effort for which Lord Charles Somerset claims credit in arresting the depreciation of the currency is that which was made by him to prevent the monopoly of Treasury Bills by requiring them to be made out in favor of some firm or person in England.

In affording your Lordship an explanation of a circumstance that had appeared to us to have been wrongly interpreted, and in shewing that his Lordship upon this, as on other occasions, had opposed the interested endeavours of the capitalists to obtain an influence over the Market for bills, which interfered with the interest of the British Treasury, in the disposal of them, and enhanced their value in the Colonial Market to bonâ fide remitters, we considered that the explanation which we gave, supported as it was by the testimony of the officer who was at the head of the Commissariat Department when the transaction took place, afforded a sufficient vindication of his Lordship from the attack that had been made upon him in Mr. Burnett's petition, and would furnish a satisfactory answer in the event of any future attempt being made to draw conclusions unfavourable to his Lordship from the same or

similar occurrences. Such, indeed, was our object in making the Supplementary Report, and if we have not appeared to render that full justice to the intentions by which Lord Charles Somerset was actuated in the adoption of these measures, it certainly did not proceed from any wish to depreciate them, but from our entertaining an opinion which, in a prior as well as a subsequent report, we have more fully explained, that a punctual observance of your Lordship's instructions in the gradual extinction of the paper currency which they contemplated and enjoined would have provided more effectually for the restoration of its value, and would have removed all ground for attributing the neglect of such a measure to the advantage which the British Treasury on the one hand derived from the disposal of its Bills at a high premium, and the Colonial Government on the other from the receipt of interest upon loans and temporary accommodation afforded by the Lombard and Discount Banks. It was in this sense alone that the concluding paragraph of our Report, dated 14 December 1825, was written, and it is that in which I venture to express my hope that it may still be received and understood.

From the tenor of the letters addressed by Lord Charles Somerset to your Lordship in the year 1816, and of which we were in possession when we made our report, we have never entertained a doubt of his being impressed with the magnitude of the evil under which the Colony was suffering from the progressive depreciation of its currency, and while we continued to entertain an opinion that his resort to some effectual remedy had been too long delayed, we were not led to dwell upon the value of those measures, which although beneficial in enlarging the means of remittance and in preventing a monopoly of them, had no apparent tendency either to restore the value of the colonial currency or to prevent its fluctuations.

I have &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from MR. DAVID P. TAYLOR to R. W. HAY, ESQRE.

BARNARDS INN, HOLBORN, LONDON, 3rd January 1827.

SIR,—I have the honor of enclosing for the information of His Majesty's Principal Secretary of State for the Colonial Department the copy of an advertisement published in the Cape Town *Gazette* in November 1823, respecting the Notaries Public practising in that Colony being reduced to six, there being now twelve admitted to practise in Cape Town, myself being one of the number, in consequence of the Notary Laurence Witham who is now in London having handed me a copy of the letter annexed to the advertisement addressed in his absence to a Mr. *John Barker* of whom I have some individual knowledge, so far as being by no means qualified either to act as Notary or judicially before the Courts of Justice at Cape Town, inasmuch as I have searched the list of English Notaries and the Rolls of Attornies of the different Courts at Westminster, and those of the solicitors of His Majesty's Courts of Exchequer and Chancery, and do not find his name there, *as being admitted or in any way qualified*, and as it appears his leave to practise will soon expire, and the terms of the advertisement, through some representation, or may be, misrepresentation of Mr. Barker as to his being qualified in this Country, appears to have been in some degree infringed upon; I have to hope His Majesty's Principal Secretary of State will in justice to myself and other Notaries of Cape Town give his directions that on no consideration this indulgence may be further extended to Mr. Barker, nor that he be created a Notary in that Colony, and *especially*, as he is not qualified to practise in *any one* of the Courts here he may not be permitted to practise in the Petty Courts at Cape Town, or any other of the Courts, so as to receive any emoluments from the public by his so doing in the *capacity* of *attorney* or *agent*, as he is in no ways qualified to act as such in this country, consequently ought not to be at the Cape of Good Hope.

I have &c.

(Signed) DAVID P. TAYLOR.

[Office Copy.]

Letter from EARL BATHURST *to* MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, 4th January 1827.

SIR,—With reference to your dispatch No. 47, of the 29th of July last, in which you submit, for my consideration, the propriety of disposing of certain Government Lands situate at Wynberg, I transmit to you herewith enclosed, a copy of a letter which has been received from the Secretary to the Board of Ordnance, in reply to a reference which I had directed to be made to that Board, and as it appeared, for the reasons therein stated, that the Ordnance Department are unwilling to relinquish the possession of the Ordnance Buildings which are situate on the Lands in question, and which you proposed should be sold to the Colonial Government, it will be unnecessary for me to give you any instructions in regard to the sale of this property. I have &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* MR. D. P. FRANCIS.

DOWNING STREET, 4 January 1827.

SIR,—I have to acknowledge the receipt of your letter of the 30th ultimo, and I have transmitted to Mr. Wilmot Horton, in conformity with your request, the letter therein enclosed.

I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. W. HAY, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 4th January 1827.

SIR,—I have the honor to acknowledge the receipt of your letter of the 10th July last, desiring to be furnished with some information relative to the situation in life of Mr. John Walker,

and in reply I beg to transmit you the copy of a letter which that gentleman has addressed to the Functionary by whom the inquiry into his circumstances was instituted. I have &c.

(Signed) RICHD. PLASKET.

[Enclosure in the above.]

CRADOCK, *December 14th* 1826.

SIR,—In reply to your letter of the 10th Instant I beg to acquaint you that I was educated under the Revd. Richard Oliphant, of Bolham, Morpeth, Northumberland. That at the period of my embarkation for this country one of my father's town houses was situate in Argyle Street, Hanover Square, London, but owing to our not being on corresponding terms I am unprepared confidently to assert that he at this moment continues to occupy his residence in said street. That my sole revenue of 500 Rixdollars or £37 10s. per annum arises from the situation I hold under Government as English Teacher in the Institution established in this place. I have &c.

(Signed) JOHN WALKER.

The Landdrost of Somerset.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, *5th January* 1827.

SIR,—In transmitting to Earl Bathurst an extract from the evidence of Colonel Bird, to which I have felt it necessary to refer in explanation of the alledged omission in our report upon the financial measures of Lord Charles Somerset, of which His Lordship has taken notice, I must beg that you will do me the favor of requesting the attention of Earl Bathurst to the possible consequences that may arise from a publication of it. His Lordship is not unacquainted with the state of feeling that has prevailed between Lord Charles Somerset and Colonel Bird in the course of our inquiries in this colony and has been apprised by us of the manner in which it has

been displayed by the latter in his remarks upon several measures of Colonial Policy and Administration. We have always felt an anxious wish to avoid recourse to observations of this nature, and it has only occurred in questions similar to the present in which the personal conduct of an individual had, by Earl Bathurst's directions, become the subject of an inquiry, that we have found it necessary to make any special reference to testimony which bore directly upon that point. The evidence of Colonel Bird, from which I have made an extract, was given upon the general question of the Colonial Currency, and when it had not become material to ascertain whether the merit of introducing an equitable mode of striking the rates of exchange in payment of the salaries of a particular class of the civil servants belonged to the Governor or to the Colonial Secretary. That question has now been raised by Lord Charles Somerset, and although the evidence of Colonel Bird has been deemed by my colleague and myself a sufficient justification for declining to attribute to His Lordship the merit of originating the measure, and in that light I now tender it to Earl Bathurst's consideration, yet in the event of its publication I must respectfully decline the responsibility that may belong to it. I have &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from LORD CHARLES SOMERSET *to* R. W. HAY, ESQRE.

BEAUDESERT, 6th January 1827.

SIR,—I have the honor to acknowledge the receipt of your letter of the 29th ultimo with Enclosures from Major General Bourke and Mr. Hobhouse relative to the case of a female Criminal at the Cape named Sila.

I regret that it is not in my power to throw any light upon the subject, as I have no documents in this country which can enable me so to do, and amidst the numerous cases which came before me for fiat it is not probable that I can bear in mind the minute circumstances of any particular case.

It appears from Major General Bourke's letter that the individual in question was reprieved under my authority in consequence of an application to that effect from the Court of Justice, to which I conceive it was my bounden duty to attend. I am totally unable to account for the circumstances which occasioned no further report being made to Government respecting this individual, or for the disgraceful negligence on the part of the Police that is reported to have occurred during the period that the woman was either in the hospital or the prison by her becoming a second time pregnant, and it is to be lamented that Major General Bourke did not cause an investigation to be made into the whole circumstances and transmit the result to Earl Bathurst.

It would naturally follow that it would be the duty of the Department that represented in the first instance the pregnancy of the criminal to report subsequently to the Government when there no longer existed any impediment to the sentence of the law being put in execution. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Office Copy.]

Letter from EARL BATHURST *to* MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, 7th January 1827.

SIR,—I have to acknowledge the receipt of your dispatch No. 80 of the 15th September last, in which you recommend one Wildman, a bushman, who has been condemned to death for murder as a fit object of His Majesty's Mercy; and His Majesty having been graciously pleased to grant a pardon to the Prisoner on condition of being kept to hard labour in irons on the public works in the Colony for life, which pardon I herewith enclose, I desire that you will take measures for enabling the prisoner to receive the benefit thereof.

I am &c.

(Signed) BATHURST.

XXX.

C

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE TOWN, 7th January 1827.

SIR,—A copy of the Report in the case of Mr. Bishop Burnett addressed by my Colleague and myself to Earl Bathurst, and an appendix of documents printed by order of the House of Commons, having arrived in the Colony, and my attention having been drawn to two statements which appear to be erroneous, I hasten to apprise you of them, and to request that you would take an opportunity of submitting them to the early notice of Earl Bathurst.

The first relates to the period at which a search warrant was executed in the lodgings of Mr. Burnett in Cape Town by a Commissioned Member of the Court of Justice, accompanied by His Majesty's Fiscal, for the purpose of discovering an original placard that had been posted in a public part of the Town on the morning of the 1st June 1824.

This act is stated in our Report (Page 48 of the printed copy) to have taken place between the pronunciation of the sentence of banishment against Mr. Burnett and his departure from Cape Town, whereas it appears that the search warrant was executed during the period in which (as stated by himself in page 17) he was under prosecution for the libel.

A second search was made at his lodgings in the month of November of the same year, after the sentence of banishment had been pronounced, and also after an appeal against that part of it which condemned him to be confined in a place of safe custody had been decided by the full Court. It is further stated in our Report that upon this second search there was found a composition reflecting severely upon the character of His Excellency the Governor, the late Landdrost of the Albany District, and upon that of a most respectable individual, now deceased, who had filled the situations of Fiscal and President of the Court of Justice.

Upon a reference to the record of the Act of Search made in the presence of a Commissioned Member of the Court of Justice on the 19th November 1824, I observe that one only of the documents mentioned in our Report was found, but that

copies of verses were discovered amongst Mr. Burnett's papers which were then destroyed by him at the suggestion of the Fiscal. Information had been previously received by this officer that the three libellous writings were in the possession of an individual who had declared that they were copied by his wife from the originals lent to him by Bishop Burnett, and which would be found in his lodgings if they were searched. It appears that only one of these writings was discovered, and although acknowledged by Mr. Burnett to have been composed by him, was denied to be libellous. The copies of the other two writings are now in the possession of the Fiscal, and their contents do justify the libellous character that is ascribed to them by the Fiscal, in his Report, page 127 of the appendix to the Printed Report.

I proceed to request that you will also draw the attention of Earl Bathurst to a passage contained in our Report (Page 48 of the printed copy) wherein it is stated that the application of the Fiscal for the warrant to search the lodgings of Mr. Burnett and others was founded upon the sworn and direct testimony of an Irish servant of William Edwards, &c., &c.

Now although this statement is confirmed by a passage in the Report of His Majesty's Fiscal (Page 127 of the printed copy) it had escaped our attention that in a subsequent report from the same officer, dated 11 November 1825, he had stated to us that his application for the search warrant was founded upon the intimacy that existed at that time between B. Burnett and William Edwards, then a Prisoner in the Gaol under a sentence of transportation, and upon the discovery of a copy of a placard of a similar nature, in the handwriting of Bishop Burnett, which had been found in the possession of William Edwards.

Upon referring to the proceedings and preparatory informations that were taken before a Commissioner of the Court of Justice on the 4th and 5th June 1824, which last day is erroneously stated in the Records to have been Friday instead of Saturday, I find that Daniel Lee, the servant of William Edwards, declared "that he knew nothing of the placard and could take his oath of it," but the Fiscal having reason to suspect that he was concerned in the act, and availing himself of a power that is granted by the 24th article of the regulations

for criminal proceedings called the "Crown Trial" to the officer of justice to arrest a suspected delinquent without a previous decree, where there is "periculum in morâ," or where by the delay attending the previous application for such a decree the administration of Justice would be impeded, ordered Daniel Lee to be placed in separate confinement in the gaol, and no access to be allowed to him.

On Sunday the 6th an application was made by Daniel Lee through the gaoler (who is called the first Under Sheriff) to speak to the Fiscal, who accordingly repaired to the gaol and received information from him in the course of that and the following day, upon which he felt himself justified in making a personal application to the Governor and the Senior Member of the Court of Justice for a more limited and special use of the warrant for which he had made a written application, and they had given authority in general terms on the 6th, but which, in a more special form, was granted and executed on the afternoon of the 7th June. The substance of this information, although given extra-judicially and voluntarily on the 6th and 7th June, was confirmed by Daniel Lee on oath before a Commissioned Member of the Court of Justice on the 9th June 1824.

Having afforded this explanation of the statement contained in our report respecting the grounds upon which the application for the Search Warrant was made upon this occasion, I will beg leave to add that the Colonial Law does not appear to require that such applications should be founded upon sworn testimony, and that although preparatory information in criminal inquiries is taken before a Commissioned Member of the Court of Justice, or in the country before Commissioned Heemraden of the Districts with closed doors, yet it is alleged that the time which is necessarily required for obtaining the Fiat of the Governor and the authority of the President or Senior Member of the Court of Justice for the execution of a Search Warrant in the house of a person of the rank of Burgher, would defeat the object of the search if the information upon which the applications for it are made were subject to the forms of a judicial procedure.

I find that the inconvenience of making such applications in cases of infringement of the rights and privileges of the

“Pagters” or Farmers of Wine Licenses had been so much felt that it was considered necessary to make an alteration in the form of proceeding, and it was accordingly declared in the 4th clause of a proclamation issued by Governor Lord Charles Somerset on the 25th April 1823 “that it should be lawful for His Majesty’s Fiscal and for the Landdrosts in their respective districts upon an affidavit duly signed and sworn to before them by one or more credible inhabitants to order houses, rooms and other places stated or suspected to be kept for disorderly or illicit purposes to be entered and searched, and the keeper or keepers thereof and every person found therein to be taken into custody, without any previous warrant from the Governor or the Chief Justice and Members of the Court of Justice being thereto required.”

Having thus explained the nature of the errors contained in the statements to which I have alluded, I will beg leave to add that without disclaiming any share of the responsibility that may attach to me, I can with truth declare that they have proceeded from no intention on the part of my colleague or myself to disguise the real grounds of the proceeding of which Mr. Burnett had complained, or to justify those who were concerned in it by giving them credit for a greater degree of caution and circumspection than the facts have appeared to us to warrant. At this distance of time I can attribute the mis-statements to no other cause than that of insufficient attention to the second report of His Majesty’s Fiscal, and to the difficulty we have experienced on this and all other occasions of reference to judicial proceedings, and especially preparatory informations, in ascertaining the real sense of the recorded declarations of the witnesses.

Before I conclude I beg leave to observe that the word “Plaintiff” which appears in the 4th paragraph of the 36th page of the printed Report should be “Defendant,” as the latter was condemned to pay the costs of the action.

I have &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 7th January 1827.

SIR,—Having transmitted by this opportunity an explanatory letter addressed to you for the information of Earl Bathurst upon certain passages in our Printed Report on the case of Mr. B. Burnett, I beg leave to state that they have been already noticed in the newspaper that is published here by Mr. G. Greig, and that he has complained through the same channel of the publication of his name in the appendix, wherein upon the evidence of Daniel Lee he as well as others are charged with having visited Edwards and consulted him upon the publication of the infamous placard that was posted on the 1st of June 1824 in Cape Town. I have no doubt that Mr. B. Burnett will take advantage of the erroneous statements in our report (which on this account are chiefly to be regretted) to impeach the veracity of Daniel Lee and to impute to Lord Charles Somerset and to the Fiscal Mr. Denyssen an act of a most arbitrary and oppressive nature in authorising a search warrant in the houses of Burnett and Greig upon insufficient grounds. Although you will find that the principal part of the statements contained in my letter of this date is confirmed by the documents which Lord C. Somerset has taken with him or had previously transmitted to England, yet I wish to call your attention to that part of it in which I have stated that the Fiscal's application for the search warrant was founded upon information received by him in the course of the sixth of June. I have not been able to procure copies of it, nor do I wish that when transmitted they should be published, but the circumstances under which the information was given have been stated to me by the Fiscal within these few days as having recently occurred to his recollection and they had entirely escaped mine when our report was framed.

On Saturday the 5th of June Daniel Lee after declaring that he knew nothing of the placard was committed in the manner I have stated to close confinement in the gaol where Edwards his master was at the same time confined, the under sheriff was ordered to keep them quite separate from each other,

and to prevent any person whatever from having access to either of them. On the following morning (Sunday the sixth) Daniel Lee sent to the under sheriff to say that he wished to speak to the Fiscal, who complied with his request and repaired to the gaol, where without any suggestion or persuasion from anybody, but in the presence of the under sheriff, he made a declaration which was taken down in writing by the Fiscal and signed by the former, as the Fiscal was apprehensive that he might not have rightly comprehended the language and meaning of Daniel Lee, who spoke in a broad Irish accent. He came to the house where I then resided in Cape Town, and requested of me as a favor to hear and receive Daniel Lee's declaration. I agreed to do so, and the man was brought into my room and made a declaration, minutes of which I took and delivered to the Fiscal, confirming, but with more particularity, the information that he had already given in the gaol. The Fiscal thinks that Major Colebrooke was present on this occasion; but of that I am not certain, and indeed the whole circumstance had escaped my recollection until the Fiscal revived it by the production of the minutes taken in my own handwriting, but which I find to be without date or signature, as they were merely taken to satisfy the Fiscal that he had not mistaken the meaning of the witness.

Neither this document nor a subsequent declaration of Daniel Lee have been exhibited *in judicio*, although they formed part of the grounds of the application that was made by the Fiscal to the Governor for the special search warrant that was granted and executed on the evening of the 7th June. I have annexed a copy of that document, as I find that the very general terms in which it was first applied for and granted were afterwards restricted (at the personal request of the Fiscal) to the houses of Messrs. B. Burnett and Greig.

After taking the declaration of Daniel Lee I was not informed by the Fiscal of the steps that he intended to take, but I think I said to him that such a document should not be made use of until it was verified by the oath of the declarant. The Fiscal finding his motives and conduct attacked in Mr. Greig's paper and the declaration of Daniel Lee that was given on the 5th of June having apparently furnished no ground for his application for the search warrant, he has felt anxious to

afford an explanation of his conduct, which I believe to have been guided by very conscientious motives, and with that view he has obtained an affidavit of the under sheriff for the purpose of shewing that no kind of intimidation or persuasion was made use of to influence the declaration and evidence of Daniel Lee on the 6th of June. None I am certain were used when he made it in my presence. Copies of these documents are in preparation, and will be transmitted if possible by the present or next opportunity, but I beg leave to request that they may not be made public, nor yet, if it can be avoided, the documents which have been transmitted by Lord Charles Somerset. They contain matter which indirectly affects individuals in this place, and will only tend to the revival of feelings which have subsided, and which in the present state of the Colony it would be impolitic to disturb. I have &c.

(Signed) JOHN THOMAS BIGGE.

[Enclosure 1 in the above.]

FISCAL'S OFFICE, 5th June 1824.

MY LORD,—There being some suspicion that the infamous placard which has been stuck up last Tuesday is in the possession of Daniel Lee servant to Mr. William Edwards, I take the liberty to request your Excellency may be pleased to grant me your warrant for searching the house in which the said man lives and any other house with which he stands connected.

I have &c.

(Signed) D. DENYSEN, Fiscal.

His Excellency Lord Charles Somerset.

[Enclosure 2 in the above.]

CAPE TOWN, 6th June 1824.

SIR,—I have it in command from his Excellency the Governor to acknowledge the receipt of your letter of yesterday's date stating that there is some suspicion of the infamous placard which was posted up on Tuesday last being in the possession of Daniel Lee servant of Mr. William Edwards, and therefore

requesting His Excellency's warrant for searching the house in which the said Lee lives as well as any other house with which he stands connected, and I am to convey to you His Excellency's authority for the proposed search accordingly.

I have &c.

(Signed) P. G. BRINK.

D. Denyssen, Esqre., His Majesty's Fiscal.

[Enclosure 3 in the above.]

The Commissioned Member of the Worshipful the Court of Justice officiating for criminal cases, or if prevented, any of the other gentlemen members is hereby directed to grant to His Majesty's Fiscal the necessary assistance to the effect mentioned in the foregoing letter.

Wel te Vreden, June 6th 1824.

(Signed) J. A. TRUTER.

[Enclosure 4 in the above.]

Fiat. Search in the dwelling of Daniel Lee, Bishop Burnett, and George Greig.

Cape Town, the 7th June 1824.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure 5 in the above.]

In the execution of the foregoing Warrant of the 7th June a Commissioned Member of the Court of Justice is to grant His Majesty's Fiscal the necessary assistance.

Cape Town, June 7th 1824.

(Signed) W. HIDDINGH.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, 8th January 1827.

MY DEAR SIR,—I send to you thus privately a copy of an official communication which has been received from the Treasury in reply to the subject matter of your dispatch of the 8th of September relative to the practice of issuing occasional advances from the Treasury without Warrants. You will perceive that this subject has already undergone consideration, but that the remedy proposed by the Treasury could only be applied under the tenor of the new instructions which they propose to issue for the Governor's guidance in matters of finance. But I think it right to apprise you that some little time may elapse before these instructions are finally sent out to the Colony, as it will be desirable no doubt to reconsider them in connection with the report of the Commissioners of Enquiry. I remain &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to WILLIAM HILL, ESQRE.

DOWNING STREET, 8 January 1827.

SIR,—I have received the Earl Bathurst's directions to transmit to you herewith a dispatch and its enclosures which have been received from Major General Bourke the Lieutenant Governor of the Cape upon the subject of the Military Buildings and Works of that Colony which have been transferred or given up to the respective Officers of Ordnance on the Station in conformity with the directions of His Majesty's Government; and without now entering into the distinction which the Government of the Colony is desirous of establishing between Military Buildings in the occupation of the Military at the time of the Capitulation and Buildings appropriated to

the service of the Troops since the Capitulation, his Lordship has desired me to request that you will move the Lords Commissioners of the Treasury to favor him with their opinion as to the necessity of confirming by deed or otherwise the transfer which has already been made, by General Orders as directed by their Lordships, of all such Military Buildings to the Ordnance Department. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *January 9th* 1827.

MY LORD,—I have been requested to forward to your Lordship by the hands of Mr. John Brown, who has been specially appointed to this charge, a petition to His Majesty the King from the Roman Catholic Inhabitants of the District of Albany, praying that a clergyman of their persuasion may be appointed to reside and officiate in their District, with a salary from Government adequate to his maintenance, to be paid until improved circumstances shall enable the Roman Catholic Inhabitants of Albany to take this charge on themselves.

Your Lordship having been pleased to state in your despatch of the 23rd January 1826, No. 239, that it was the intention of His Majesty's Government to provide two Roman Catholic clergymen for this Colony, one of whom is now established in Cape Town, I beg very respectfully to recommend to your Lordship that the second be appointed to Albany in furtherance of the prayer of these Petitioners who form, next to those of Cape Town, the most numerous body of Roman Catholics in the Settlement. I have &c.

(Signed) RICHARD BOURKE.

[Enclosure 1 in the above.]

DISTRICT OF ALBANY,
SOUTH AFRICA, 30th August 1826.

To the Right Honorable Earl Bathurst, His Majesty's Secretary of State for the Colonies.

MY LORD,—In recommending to the favourable consideration of His Majesty's Government the petition of our fellow subjects the Roman Catholic Inhabitants of this District, we feel bound to express our acknowledgement of the liberal and tolerant spirit that has been invariably displayed by His Majesty's present ministers in matters of conscience.

Grateful to the Supreme Being for the blessing we enjoy in being permitted to offer up our prayers and thanksgivings according to the dictates of our conscience, we cannot as Christians acting in conformity with the precepts of the Divine Author of our Religion who has inculcated peace and good will towards men, be insensible to the deplorable and destitute condition of our fellow creatures the Petitioners.

The humble situation in life of the Roman Catholics of this Frontier precludes the possibility of their supporting at their own expence a clergyman, and thus while the more advanced in age are deprived of those religious instructions and exhortations to which they have formerly been accustomed, the rising generation are left in a state of the most deplorable ignorance. The inevitable consequences of a continuance of this state must be apparent to your Lordship. The human mind, seldom in a state of quiescence if not directed in the path of virtue and general utility, will become susceptible to every vicious propensity. The low price of spirituous liquors and the temptation of canteens in every corner however remote of the District, will render the Sabbath instead of a day of rest set apart to the service of our Maker, a day for the indulgence of every vice disgraceful to human nature. The example may be contagious. Youths of other persuasions whose avocations may remove them from the immediate care and advice of their parents and spiritual guides, will insensibly be drawn into this vortex of ruin, and thus lost to every virtue that renders man superior to the brute inhabitants of the numerous forests which surround us, can it be expected they

will either become good and loyal subjects or capable of fulfilling their relative duty in its enlarged sense of one neighbour towards another.

It is for these reasons we strongly recommend the prayer of the petitioners. As members of society we feel interested in the result, and in full assurance that your Lordship's beneficent and enlightened policy will secure them your support, we have the honor &c.

(Signed)

ALEXANDER COWIE, Surgeon

J. C. WELSFORD

ROBERT WOOD PAGOT, Heemraad

JOHN BROWN

W. OGILVIE

WILM. ED. SMITH

GEO. McLACHLAN

PETER WICKMAN

WM. WATHALL

C. WATHALL

P. DANIEL

W. WRIGHT

JOHN STUBBS

J. ALLISON

T. D. POTGIETER

RICHARD HAYHURST

JAS. CARNEY

A. MACDONALD

D. W. DONALD

JOHN MORTON

R. G. HENTON

P. NORDEN

G. F. STOKES

W. WENTWORTH

RICHD. PEACOCK

H. J. JENNINGS

J. D. KING

D. BARNES

EDWD. DRIVER

JAS. RATHBONE

GEORGE GILBERT

JOHN AUSTEN

[Enclosure 2 in the above.]

To the King's Most Excellent Majesty in Council.

May it please Your Majesty.

We the undersigned Your Majesty's loyal and dutiful Roman Catholic subjects residing in the District of Albany in your Majesty's settlement of the Cape of Good Hope most humbly pray your Majesty's gracious consideration of this our Petition to the throne of our revered and beloved Sovereign.

Your Majesty's Petitioners are chiefly British Settlers, and it will be in the recollection of your Majesty's Ministers that previous to their emigration in the year 1820, the liberal and enlightened policy of your Majesty's Government evinced in a Circular Letter issued by the Right Honorable the Secretary of State for the Colonial Department, held out to the Roman Catholics as well as to every other religious class of emigrants the consoling assurance that their moral and religious instruction constituted a prominent object of your Majesty's gracious and paternal solicitude. But your Majesty's petitioners being at that period disgregated and unknown to each other, it became impossible for them to avail themselves of the munificence of Government, and in consequence of this circumstance they have been and still are totally destitute of the consolations of religion inculcated on the principles which directed the faith of their fathers. They view with regret that difference of sentiment which precludes one Christian from joining in communion with another in the sacred ordinances of religion. They are conscious that this difference of sentiment affects in a greater or less degree every religious body of men, and to this cause they would ascribe their reluctance in associating in divine worship and the sacred rites and institutions of the Church with their fellow Christians of other denominations. Our reluctance on this most important subject extends to the Baptism of our children, their religious education, the Holy Communion, the burial of the dead, and other rites of the church. A great portion of our children are not initiated by Baptism into the pale of Christianity, and in the hour of death we are deprived of that spiritual solace which arms the soul with fortitude and resignation. We feel

happy in seeing the light of the Gospel through the benevolence of the best of Governments diffusing its salutary influence around us, but at the same time we are compelled to admit the mortifying anticipation that our children must insensibly depart from the religion of their ancestors unless an appropriate remedy shall be applied by your Majesty.

And while we lament our incapability, arising from causes already known to your Majesty's Government, of maintaining a Clergyman of our own religion, at our own expence, we feel firmly persuaded that religious education constitutes the basis of Loyalty, patriotism, and of all the nobler virtues which adorn the human heart, while a total privation of this most important instruction invariably demoralizes and debases the man and envelopes the soul in ignorance and bigotry.

We therefore with sentiments of the most profound loyalty and attachment to your Majesty's person and Government, and anxious that these sentiments should also be implanted in the minds of the rising generation, humbly submit our firm conviction that the liberality of Government in supplying the defect under which we labour would not only be highly conducive to the happiness of ourselves and the community in this place, but also consistent with the interest of our mother country and the dignity of our paternal and beloved Sovereign. And we therefore pray that your Majesty will be graciously pleased to direct such measures to be taken by your Majesty's Government as shall ensure the residence of a Roman Catholic clergyman in this district, with a salary adequate to his maintenance, until our circumstances shall enable us to relinquish with gratitude the bounty thus supplied by our beloved Monarch, and which nothing but the dread of seeing our children degenerate into a state of ignorance, vice, and infidelity could have induced us so earnestly to solicit.

And your Majesty's Petitioners as in duty bound will ever pray.

PETER CAMPBELL

L. RAFFERTY

JOANS. WILHS. KOCK

JOHN MCKENNEY

DENIS HOLLAND

MARY HOLLAND

MARY GOODES

PATR. ^{his}
X BAGLEY
mark

JOHN LAWLER

ANNE LAWLER

WILLIAM DEVINE

| | |
|-------------------------|--|
| JOHN HOLLAND | PETER ELLIAR |
| DANL. HOLLAND | CATHARINE ^{her} <u>X</u> BAGLEY |
| HELEN HOLLAND | ^{mark} |
| JEREMH. BALERWARD | ^{her} |
| ABM. THWAITES | MARY ANN <u>X</u> BAGLEY |
| ^{his} | ^{mark} |
| J. <u>X</u> DELANEY | ^{his} |
| ^{mark} | THOS. <u>X</u> BAGLEY |
| DANL. FLYNN | ^{mark} |
| MARY THWAITES | ^{his} |
| JAMES FITZGERALD | JOHN <u>X</u> FOLEY |
| MARY FITZGERALD | ^{mark} |
| ROBERT AMBROSE | ^{her} |
| JOHN HARMAN | HELEN <u>X</u> FOLEY |
| THOMAS MINHIER | ^{mark} |
| JOHN SCARMELL | ^{her} |
| MARY SCARMELL | CATHERINE <u>X</u> FOLEY |
| THOMS. SCARMELL | ^{mark} |
| JERMH. SCARMELL | ^{her} |
| ^{his} | MARIA <u>X</u> FOLEY |
| PATK. <u>X</u> O'CONNOR | ^{mark} |
| ^{mark} | ^{her} |
| ^{his} | ELIZABETH <u>X</u> SALT |
| H. <u>X</u> CRAWLEY | ^{mark} |
| ^{mark} | ^{her} |
| ^{his} | ELIZABETH <u>X</u> SALT |
| JOHN <u>X</u> JOPPE | ^{mark} |
| ^{mark} | ^{his} |
| CATHERINE WICKMAN | HENRY <u>X</u> JONES |
| T. SUGRUE | ^{mark} |
| D. GOULDEN | MICL. CROWLEY |
| J. DEIMAR | JOHN FLYNN |
| T. CONNOR | ^{his} |
| T. DEAVY | JOHN <u>X</u> SULLIVAN |
| ^{his} | ^{mark} |
| D. <u>X</u> BROWN | MATTHEW INGRAM |
| ^{mark} | J. BOWEN |
| ^{his} | J. SULTZ |
| A. <u>X</u> BROWN | JOAN PEDRO AUGUSTINO |
| ^{mark} | a slave X his mark |
| NEB. DAUGHERTY | D. SWINEY |
| M. DAUGHERTY | JOHN WILSON |
| S. DAUGHERTY | HANNAH WILSON |
| D. DAUGHERTY | THOS. O'GRADY |
| S. DAUGHERTY | J. DEALY |
| | BETSY KEW |
| | WILLIAM KEW |

JOHN ^{his}X WALLACE
^{mark}
 ARTHUR SLEVIN
 JOHN McAVOY
 ISABELLA WRIGHT
 JOHN DUFFY
 ANNE DUFFY
 CHARLES DUFFY
 JOHN DUFFY
 GEO. DUFFY
 ROBT. POTE
 CHARLES POTE
 AGNES POTE
 HARRIETT DONATA POTE
 M. A. FRANCES POTE
 R. A. J. POTE JUNR.
 P. P. P. J. B. POTE
 M. M. M. MONICA POTE
 PATK. KEW
 ROBT. KEW
 HENRY KEW
 JAMES MURRAY
 A. MURRAY
 M. MURRAY
 M. MURRAY
 RALPH MURRAY
 M. MURRAY
 E. MURRAY
 PETER FEAGAN
 MARY FEAGAN
 RICHD. FEAGAN
 THOMS. FEAGAN
 PETER FEAGAN JR.
 MARY FEAGAN JUR.
 ELIZ. FEAGAN
 FRANCIS FEAGAN
 M. N. N. FEAGAN
 MARGT. FEAGAN
 A. CONWAY
 M. CONWAY

JOHN TESTARD
 DENIS CAREY
 J. ALINDA
 JOHN BYRNE
 A. MURTAGHY
 T. BYRNE
 M. GOLICKAR
 C. BYRNE
 JOHN SMITH
 MARY ANNE SMITH
 JOSEPH SMITH
 ALFRED SMITH
 ELIZA SMITH
 T. KEEVY
 M. KEEVY
 MATTHEW KEEVY
 F. KEEVY
 H. KEEVY
 M. KEEVY
 THOS. CARDON hisXmark
 PETER ^{his}X MALEY
^{mark}
 P. ^{his}X O'RYAN
^{mark}
 PK. ^{his}X HEFFRON
^{mark}
 TIMOTHY DEVINE
 JOHN DEVINE
 JEREMIAH DEVINE
 ELLENOR DEVINE
 CATHERINE DEVINE
 BRIDGET DEVINE
 MARY DEVINE
 ELLEN DEVINE
 JAMES ^{his}X MAKEW
^{mark}
 C. HINES
 F. VENDEBERG
 F. DAVIS

| | |
|---------------------------------------|---------------------------------|
| E. CONWAY | W. BISHAP |
| M. CONWAY | WM. DODEN |
| ROBT. ^{his} <u>X</u> ROWE | H. DENMANN |
| ^{mark} | T. HENDRICK |
| JOHN ^{his} <u>X</u> MARR | A. DENMUS |
| ^{mark} | A. ^{his} <u>X</u> RYAN |
| P. ^{his} <u>X</u> FITZGERALD | ^{mark} |
| ^{mark} | P. GEARY |
| JOHN D. RILEY | J. DAVID |
| JN. DEMPNEY | ^{his} |
| P. GARVEY | F. <u>X</u> DAVID |
| EDWD. HILEY | ^{mark} |
| ^{his} | ^{his} |
| JN. <u>X</u> NYLAND | P. <u>X</u> LEE |
| ^{mark} | ^{mark} |
| ^{her} | JAMES HARRIS |
| CATH. <u>X</u> NYLAND | C. BROLEY |
| ^{mark} | J. THOMSON |
| J. SHEERAN | ^{his} |
| E. NILARD | ROBT. <u>X</u> SULLEY |
| ^{his} | ^{mark} |
| M. <u>X</u> CONSTANTINE | D. BRYAN |
| ^{mark} | N. CLEAR |
| B. DEVINE | M. GOSS |
| H. DEVINE | ^{his} |
| ^{his} | B. <u>X</u> COURTOIS |
| JAS. <u>X</u> DEVINE | ^{mark} |
| ^{mark} | P. HART |
| M. GREDAY | ^{his} |
| C. GREDAY | J. <u>X</u> ROACH |
| M. HARTY | ^{mark} |
| C. MCGEADRY | J. FLEMING |
| J. DELAHURST | ^{his} |
| ^{his} | W. <u>X</u> MCGRAGH |
| J. <u>X</u> DOYLE | ^{mark} |
| ^{mark} | ^{his} |
| THOMAS CASEY | J. <u>X</u> HALEY |
| ^{his} | ^{mark} |
| JOHN <u>X</u> O'CONNOR | ^{his} |
| ^{mark} | J. <u>X</u> DEVINE |
| ^{his} | ^{mark} |
| JOHN <u>X</u> FLINN | WM. MCGUIRE |
| ^{mark} | E. MCGUIRE |
| J. WHALAN | W. MCGUIRE |
| | THOS. MCGUIRE |

P. ^{his}
X McDERMOT
mark

JOSEPH ^{his}
X COOPER
mark

M. ^{his}
X HARTEY
mark

D. ^{his}
X HOLLAND
mark

JOHN ^{his}
X MACLOSKI
mark

JOHN BARRY
JAMES HAYES

JACOB ^{his}
X ALMEIDA
mark

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 9 January 1827.

S.R,—I have received Earl Bathurst's directions to transmit herewith to your Lordship a dispatch from Major General Bourke relating to a claim which has been preferred by Messrs. Chiappini and Company, for compensation from the Cape Government for the loss which they have sustained by the insolvency of the late Vendue Master of Uitenhage; and as it would appear from the Fiscal's Report under date of the 27th December 1824, that he did not consider the Colonial Government to be responsible for the payment of the monies due upon the sale of goods effected by Commissaries of Vendues, I am to request that your Lordship will explain to Earl Bathurst the grounds upon which you issued your Proclamation of the 23rd of April 1825 for the purpose of declaring the Colonial Government to be responsible for the proceeds of all Sales effected by the Commissaries of Vendues. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF
THE NAVY.*

DOWNING STREET, 9 *January* 1827.

GENTLEMEN,—I am directed by Earl Bathurst to desire that you will provide a Passage to the Cape of Good Hope for the Reverend Mr. Rishton, a Roman Catholic Clergyman who has been selected to proceed to that Colony. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the RIGHT REVEREND
DR. POYNTER.*

DOWNING STREET, 9 *January* 1827.

SIR,—Having laid before Earl Bathurst your letter of the 29th ultimo, I am directed to acquaint you in reply that his Lordship approves upon your recommendation, of the selection of Mr. Rishton to proceed as a Roman Catholic Clergyman to the Cape of Good Hope upon the terms stated in my letter of the 14th December 1825.

His Lordship desires me to inform you, however, that it will not be in his power to comply with Mr. Rishton's request to have a Box of Books brought to this Country from France, duty free. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from J. C. HERRIES, ESQRE., to R. W. HAY, ESQRE.

TREASURY CHAMBERS, 9th *January* 1827.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 27th of December enclosing by the desire of Lord Bathurst, for the consideration of their

Lordships a despatch from the Lieutenant Governor of the Cape of Good Hope dated the 11th September 1826 on the subject of certain financial arrangements for defraying the expenditure of the Colony in the year 1826 and part of the year 1827, I am commanded by My Lords to request that you will inform Lord Bathurst that they are unable to judge how far the urgency of existing circumstances at the Cape may justify the extraordinary expedient proposed by the Lieutenant Governor; nor are they competent to determine whether, under the pressure of those circumstances, that expedient may be the least objectionable course that could be resorted to: because My Lords are not sufficiently acquainted with the nature of the special emergency alluded to, and have not had the particulars of the Revenue and Expenditure of that Colony fully before them.

I am, however, to state that except upon the ground of a very strong and pressing necessity, My Lords would see a great objection to the measure proposed by the Lieutenant Governor, which is in opposition to the principle, as well as to the positive stipulation, of the instructions lately issued for the reduction of the Paper Currency of the Cape, and must have the obvious effect of endangering a new depreciation of that medium of circulation and thereby of bringing a greater quantity of it to the Military Chest for exchange for Bills upon England.

I have &c.

(Signed) J. C. HERRIES.

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 9th January 1827.

SIR,—I have the honor to enclose to you the documents of which I made mention in my letter of the 7th instant, and to request that they may be subject to the same reserve. The declarations of Daniel Lee are extrajudicial and have never been produced in Court, but that of the late undersheriff was taken upon oath before a commissioned Member of the Court of

Justice very recently at the request of the Fiscal in order that he might be prepared to repel the imputations that have been made upon him in Mr. Greig's newspaper and which are likely to be repeated in England by Mr. B. Burnett.

As it has been insinuated that the evidence of Daniel Lee was suborned, I was desirous that the circumstances under which he gave it should be explained, and as he has also been accused of having committed perjury, I beg leave to transmit to you copies of two resolutions of the Court of Justice of the 14th June and 5th July 1824 explanatory of their opinions upon the preparatory informations taken on the discovery of the placard, in which amongst other things you will find a declaration by the Court that there was no ground for the prosecution of Daniel Lee for perjury.

I have been informed that Mr. Greig has recently made an application to the Court of Justice for copies of the documents and declarations that were made in the investigation and search for the placard, and I am surprised to find that they have been granted to him. I have &c.

(Signed) JOHN THOMAS BIGGE.

(I do not give any of the enclosures in this letter as, apart from their having been considered strictly private, there is not one of them of the slightest importance now.—G. M. T.)

[Copy.]

Letter from WILLIAM LAWSON, ESQRE., to the MILITARY SECRETARY.

OFFICE OF ORDNANCE,
CAPE OF GOOD HOPE, 9th January 1827.

SIR,—We have the honor to enclose for the information of the Major General commanding the Forces the copy of a letter dated 11th September last which we have received from the Board of Ordnance (in addition to their communication of the 19th of July 1826, a copy of which was forwarded for the Major General's information on the 21st November 1826) conveying to us the orders of the Master General and Board

“that no expense should be incurred by this department in the repair of Buildings *reserved* by the Governor and not regularly transferred to this department,” also referring us to the papers A, B, and Z, dated in April last, copies of which we transmitted to you on 31st July 1826.

In your letter to us dated 28th November last it is stated “that the Major General is not aware that it is the intention of the Colonial Government to reserve any of the buildings set forth in the accompanying list, and that he has lately written to the Secretary of State to inform him that all Military Buildings in this Colony had been placed by general orders under the charge of the Ordnance Department, and to request His Lordship’s instructions as to the description of Transfer which should be made of all these works and buildings.”

It is evident that no regular transfer of any building from the Colony has yet been made to the Ordnance ; agreeably therefore to the orders of the Board, it will not be in our power to defray any of the expenses in their repair until such time as the proper transfer shall take place.

Under these circumstances we presume to submit for the consideration of the Major General Commanding, the following arrangements, as being the most likely to prevent that inconvenience which would accrue to the public service were a stop to be put at once to the progress of the repairs of the buildings in question ; viz. until the directions of the Secretary of State be received as to the description of Transfer that is to be made, the repairs of the barracks and other military buildings should proceed under the direction of the Major General Commanding, according to the estimate voted by Parliament for the present year, approved by the Master General and Board of Ordnance and by His Excellency Lord Charles Somerset before his departure from the Colony, and the expense to be defrayed out of the extraordinaries of the Army.

Upon the Transfers being effected repayment to be claimed in England by the Treasury from the Ordnance.

I have &c.

(Signed) . WM. LAWSON.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. W. HAY, ESQRE.

CAPE TOWN, 10th January 1827.

MY DEAR SIR,—I have taken advantage of the *Lorne* touching here on her way to England, to send you thirty half aums of Constantia Wine. We had 60 ready, but Captain Dobson could not store any more than 30. I hope soon however to forward the remainder.

The Constantia Proprietors have agreed, after much hesitation, to deliver half the usual quantity this year, without any payment, and leaving it to Government hereafter to decide as to what rate they are to be paid for the whole, and in what manner. I remain &c.

(Signed) RICHARD PLASKET.

[Original.]

Letter from MR. WILLIAM PARKER *to* EARL BATHURST.

PASSAGE WEST, IRELAND, January 11th 1827.

MY LORD,—I have the honour to solicit your Lordship's reference to my letters to Mr. Wilmot Horton of the 17th October and 27th November last, which I hope your Lordship will be pleased to command to be submitted to your consideration. Mr. Horton has not as yet transmitted to me a copy of the Report of the Commissioners of Enquiry at the Cape, which I humbly hope your Lordship will have the goodness to order to be done.

I propose making this Report notwithstanding its being framed on "ex parte" examinations by the Commissioners, the basis of a Petition to the House of Lords. I shall endeavour to show, that it was my accurate knowledge of the practices of the Romish Priesthood in Ireland, which led to my declaring to Colonel Bird my aversion to these practices and which immediately led to my suffering from the Jesuitical conduct of the late Secretary at the Cape * * * *

When my Petition shall have been presented, the Pillars of the State will see in the conduct of Colonel Bird an instance of the numerous evils likely to follow to society, from men of his principles obtaining political power, such as he so banefully exercised, a power which not only led to the sinister persecution of Protestants in South Africa and to the *official* undermining of the Reformed Religion in the Colony, but to the cruel and truly savage massacre of the unoffending Natives on many occasions, especially on the night of the 16th August 1821 during the antibritish government of Sir Rufane Shawe Donkin.

I hope to place for ever on record the cruel act of military barbarity arising from councils opposite to genuine civil and religious liberty as a beacon to warn the British Nation against liberalising away the dearly erected bulwarks of our glorious Constitution, which is founded on genuine Protestantism. I trust to accomplish this important national service by the irrefragable testimony of an officer of long and faithful service, who will confirm this deed of blood in a manner "that will make the soldier blush, the man feel, and the Christian shudder." Circumstances lead me to conclude that Mr. Wilmot Horton's bias for a *liberality* hostile to sound principles, has hitherto caused an aversion against Enquiry at the Colonial Office which I hope will be instituted this Session of Parliament under the high official sanction of your Lordship.

Enquiry would mainly tend to produce the good effect of setting the Catholic Question at rest, for evidence would be adduced of the *positive* evil of Roman Catholics obtaining power, which their principles prevent their exercising for the good of mankind. I have &c.

(Signed) WM. PARKER.

(There are numerous letters, petitions, and printed sheets from Mr. Parker, both preceding and following this, but as they all harp upon the one string here shown, I do not think it worth while now to copy them for publication. The last of his letters in the Public Record Office that has come under my observation is dated 30th of December 1828.—G. M. T.)

[Original.]

Letter from COUNT MUNSTER *to* EARL BATHURST.

GROSVENOR PLACE, 12th January 1827.

MY LORD,—I beg leave to bring to Your Lordship's recollection that the claim of the Revd. Mr. Hesse (for near twenty years Lutheran Clergyman at the Cape) to a fair compensation on account of the expences incurred by him on effecting his return to Europe has, in Your Lordship's letter of 10th June 1824, of which I beg leave to enclose a copy, been considered as fully substantiated, and that *only the amount of the Sum* to be granted remained doubtful and undecided.

Your Lordship at that time wished to refer the case *in this respect* to Lord Charles Somerset, in order to ascertain from his Lordship what would, in his estimation, be a liberal allowance for the passage of the Revd. Mr. Hesse and of his Family to Europe, which reference was unavoidably delayed on account of his Lordship not returning home so soon as was expected.

Lord Charles Somerset being at present in England and most undoubtedly frequently with Your Lordship, it will be an easy matter for Your Lordship to settle the amount of this long standing claim, and I flatter myself that the anxiety of a deserving man will be soon relieved by Your Lordship's favourable decision. I have &c.

(Signed) MUNSTER.

[Original.]

Letter from MAJOR-GENERAL BOURKE *to* EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, January 13th, 1827.

MY LORD,—In conformity to the directions contained in the 41st Section of the Ordinance for Improving the Condition of the Slaves at the Cape of Good Hope, I have the honour to transmit the Report of the Registrar and Guardian of Slaves, to the 25th December last. I have &c.

(Signed) RICHARD BOURKE.

[Enclosure in the above.]

*Report of the Proceedings of the Registrar and Guardian of Slaves
at the Cape of Good Hope, from 1st August to the 25th
December 1826.*

To His Honor Major General Richard Bourke, C.B., Lieutenant
Governor, &c. &c. &c.

REGISTRAR AND GUARDIAN OF SLAVES OFFICE,
CAPE TOWN, CAPE OF GOOD HOPE,
January 6th, 1827.

SIR,—In obedience to the 41st Article of the Ordinance of the 29th June 1826, (No. 19.) directing me, as Registrar and Guardian of Slaves at the Cape of Good Hope, to deliver to the Governor, or Acting Governor for the time being, a report in writing, exhibiting an account of the manner in which the duties of my office have been performed during the half year next preceding the date of this Report; and especially stating the number of actions, suits and prosecutions, in which I may have acted as the Guardian of any Slave or Slaves, with the dates and effect of all the proceedings therein, and the particulars of all the returns, which by virtue of the said Ordinance may have been made to me by the Assistant Registrars and Guardians of Slaves throughout the colony; and the names of the persons, if any, against whom any criminal prosecutions may have been instituted under and by virtue of this Ordinance; together with the number of licences which may have been granted for the marriage of any Slaves, with the number of marriages appearing to have been solemnized in pursuance thereof; and the amount of the sums of money deposited in the savings banks by Slaves in this colony; and also, a statement of the names of all the Slaves manumitted under the authority of this Ordinance,

I have the honour to report, that from the period of the Ordinance coming into effect, a very considerable portion of my time has been occupied in hearing the complaints of Slaves; and as the greater part of them (particularly those from the country) are unable to speak or comprehend English, and many of them are ignorant of the Dutch language also, the taking their own statements, and depositions of their

witnesses, necessarily occasions great trouble in interpreting and explaining, and much of the time and attention of the whole of the persons composing the establishment of my office is drawn off or absorbed thereby, and the course of the business of the Registrar's duties greatly interrupted and impeded. I have also had much occupation in attending trials which have taken place in the several courts of law in Cape Town, and in which Slaves were implicated or concerned.

In some instances I have been able to arrange satisfactorily between the parties the complaints exhibited ; and in others, I have found that many of the cases attempted to be introduced to me as new, have been under investigation of the Court of Justice, and some of them already legally disposed of. I have in some cases likewise, found decisive evidence that the complaints of the Slaves, and their pretences to freedom, have had no foundation in right, and have consequently dismissed them.

When not prevented by other duty, I have made it a practice to investigate all complaints of a serious nature. I have kept a record of all the complaints made by Slaves, and of their names, and what has been stated by the parties complained against, as well as the depositions of all witnesses examined ; and every duty in which I have been engaged as Guardian of Slaves, is duly entered in my office, and will be found under one or other of the heads of information specially required to be furnished by the said 41st Article of the Ordinance No. 19.

The actions, suits and prosecutions, in which I have appeared in Court as the Guardian of Slaves, are as follows :

All criminal prosecutions at the instance of His Majesty's Fiscal against Slaves for desertion, burglary and theft, and all those prosecutions and hearings of minor offences which come under the cognizance of the Permanent Sitting Commissioner's Court, and the Court of Landdrost and Heemraden ; including also such suits as have been brought on behalf of Slaves without any previous reference to the Guardian. The cases comprised under this head are eighteen in number, and for their dates, and the effect of the proceedings therein, I beg leave to refer to Appendix A.

I have not found it necessary to institute any actions on behalf of Slaves, on account of their mal-treatment by free persons or others, nor on behalf of any Slaves desirous of

purchasing their freedom, nor for the recovery of any debts due to Slaves ; neither have I yet been able to establish sufficient proof of any person being held in bondage as a Slave who should be free. It will be seen, however, by reference to the record of complaints, that there are some cases which require investigation, and which I shall enter upon when time admits, and the means are given to me. But although I shall in no wise fail to adopt the firmest measures in all cases where I consider it my duty to do so, and I trust that I have hitherto, and shall always, continue scrupulously to watch over the rights of the Slaves, and to exert all my energies to procure the restoration to freedom of any one who may appear to be illegally detained as a Slave ; yet I feel it essential to have a clear conviction that the claimant has just and well founded pretensions, before I take any step which may put the present proprietor to vexatious trouble or expense, as I have experienced that the most plausible pretexts have been set up, and evidence brought in their support, which after a strict investigation could not for a moment longer be entertained. A list of the several complaints, and of my proceedings therein, will be found in Appendix B.

No marriage license has been requested of me since the operation of this Ordinance ; nor have any monies been deposited by Slaves in the savings bank at Cape Town.

Appendix C consists of Copies of such Reports as have been transmitted to me by the Assistant Registrars and Guardians in the country districts, up to the 25th December.

Only one case has occurred in which I have, under authority of the 23rd Article of the Ordinance, made application to the Court of Justice to be allowed to transfer a Slave woman without some of her children, who are under the age prescribed in the said Article, and for the particulars of which I beg to refer to Appendix D.

A list of the baptisms which have been reported will be found in Appendix E.

I have thought it my duty to forward (*vide* Appendix F) a Return of all Slaves which have been emancipated from the 1st August to the 25th December, and in this return I have endeavoured to particularize, as far as practicable, the reason for each manumission ; whether for money paid, or for services

or otherwise. No. 1 comprises manumissions which have been made before me ; they are sixty-three in number, thirty-two of which appear to have been purchased, at £1,599 19s. sterling. No. 2 includes Slaves which have been emancipated in the country districts, up to the latest period for which reports have been received. And in No. 3 I have added a List of such Slaves as have been erased from the registers since the 1st of August, in compliance with sentences of the Court of Justice of an earlier date, but which were not produced until after the Ordinance had come into effect. I have &c.

(Signed) G. J. ROGERS,
Registrar and Guardian of Slaves.

I, George Jackman Rogers do swear, That the above Reports, and Documents thereunto annexed, contain a true and accurate Statement of the several matters and things therein referred to, to the best of my knowledge and belief.

G. J. ROGERS,
Registrar and Guardian of Slaves.

Sworn before me, at Cape Town, this 23rd day of February 1827. (*Sic.*)

RICHARD BOURKE, Lieut. Governor.

[Appendix A.]

Return of Prosecutions for and against Slaves in the several Law Courts in Cape Town, from the 1st day of August to the 25th December 1826.

August 10th 1826. His Majesty's Fiscal *versus* Patientie, Slave of Carel Philip Storm, of the District of Worcester, for attempting the life of his own son ; assaulting the Fieldcornet, knocking him down with a stone and then attempting to stab him ; and on the interference of his master, also attempting repeatedly to stab him with a large knife.

Result : The Fiscal claimed the punishment of death ; but the Court not thinking the capital part of the charge proved, and in consideration of the great age of the prisoner, which the guardian represented to be, according to registry, sixty-

nine and a quarter years, sentenced him to three months imprisonment on Robben Island, to be computed from this date.

August 11th 1826. The Law Agent for Country Districts, *versus* (1) Thomas, Slave of Abraham Marais ; (2) Isaac, of J. Louw A. Son ; (3) Philida, of D. Z. de Villiers ; (4) Syme, of J. G. Lombard ; (5) Philippina, of the widow I. de Waal ; (6) Anthony, of Tieleman Roos, J. Son, for vagabondizing and sheep-stealing.

Result : They were sentenced as follows :—(1) Scourging, branding, and 10 years on Robben Island ; (2) Scourging and 5 years confinement on Robben Island ; (3) Three years confinement on Robben Island ; (4) Scourged, and returned to his master ; (5) One month's imprisonment ; (6) To witness the punishment of the other prisoners, and then to be returned to his master.

11th August 1826. The Law Agent for Country Districts, *versus* (1) Maart, slave of H. C. van Niekerk ; (2) Isaac, of W. A. van Schoor ; (3) Klaas, of Floris Smith ; (4) Telemachus, *alias* Paul, of Christoffel Lombard, for repeated burglary and theft.

Result : Sentenced, the 1st, 2nd and 3rd, to be scourged and to work 5 years in irons on Robben Island ; the 4th to be scourged, branded, and to work 10 years in irons on Robben Island.

The trials of the last 10 prisoners had been concluded before the appointment of a guardian to the Slaves ; he was present, therefore, only to hear sentence pronounced.

22nd August 1826. Baatjoe, Slave of Jacob van Reenen, I. F. Son, *versus* said Van Reenen, claiming his freedom on the grounds of its having been promised him by his late master, Johan Hendrick Bruckheiser.

Result : The witnesses brought forward by Baatjoe entirely failed to prove any thing favourable to his case, and the guardian felt himself obliged to concur in opinion that Baatjoe had not established any claim to his freedom.

22nd August 1826. Fredrik, Slave of Hendrik Heegers, *versus* said Heegers, claiming to be manumitted upon payment

of 508 rixdollars, which he stated to be the condition under which he had been bought by said Heegers.

Result : His claim was fully established, and having paid the money, he was manumitted on the 24th day of August, in the presence of the guardian.

5th September 1826. The Secretary of the Cape District *versus* Louis, Slave of William Ferdinand van Reede van Oudtshoorn, for desertion and sheep-stealing.

Result : The prisoner acknowledged his guilt, which was also fully proved, and he was sentenced to be publicly scourged, and to labour in irons for one year on Robben Island.

5th September 1826. His Majesty's Fiscal *versus* Adonis, Slave of George Nelson Lond, for burglary and theft in Cape Town.

Result : The fact of the burglary and theft was fully proved, and the prisoner was sentenced to be scourged under the gallows, and to work in irons on the public works for 15 years. He was of a notorious bad character, and supposed to be the prime mover in all the burglaries recently committed in Cape Town.

28th September 1826. His Majesty's Fiscal *versus* Regina, Slave of — Van Breda, for petty theft.

Result : The imprisonment undergone by Regina was considered a sufficient punishment, and she was discharged. The guardian was not at this trial, having been ordered on duty to be present at the trial of some Slaves at Stellenbosch.

11th October 1826. His Majesty's Fiscal *versus* Rachel, Slave of Hendrik Andreas Truter, for stealing a scarf and some pieces of muslin in the shop of William Rauch.

Result : The fact was fully proved against the prisoner ; and she afterwards confessed that she had before been convicted of petty theft. She was sentenced to three months solitary confinement.

31st October 1826. The Superintendent of Police *versus* the widow Foelscher, charged by her Slave Maart with having severely beaten and ill used him.

Result : It appeared that Maart had frequently absented himself from the service of his mistress, who is a poor

widow, with a large family of young children, and who has no other Slave but him ; that having been absent several days without leave, his mistress beat him with a strap, which was produced in court, and was not a severe weapon. The mistress was recommended, on any future misconduct of Maart, not to inflict any punishment herself, but to send him to the superintendent of police for inquiry into the case.

15th November 1826. The Secretary of the Cape District *versus* M. C. Laubscher, for ill-treatment of his Slave Kakerlach.

Result : The complainant was desirous to withdraw his charge, but his master requested that the trial might proceed. It was proved that the complainant had behaved very ill, and had preferred the charge against his master in hopes of saving himself ; he was sentenced to be flogged in the prison.

22nd November 1826. The Secretary of the Cape District *versus* Florient, the Slave of Mr. H. O. Eksteen, for burglary in the house of Carel Hartzog at Wynberg.

Result : Although the suspicions were very strong against the prisoner, and that his former very bad character weighed also against him, yet there was not sufficient proof produced to convict him ; the Court therefore passed a provisional sentence, that he was for the present acquitted for want of proof, but that if further evidence could be produced within one year to warrant such a proceeding, he may be again put on trial for this offence.

27th November 1826. His Majesty's Fiscal *versus* Domingo, Slave of P. van Sittert, for stealing six shirts in the house of Roselina, a washerwoman.

Result : The property was found in the prisoner's possession, and taken from him after his having been seen to offer one of the shirts for sale, and being further recognized as an old offender, and having suffered three years imprisonment on Robben Island, as a convict for a burglary ; he was sentenced to be scourged under the gallows, and to work five years in irons.

30th November 1826 : The Law Agent for the Country Districts *versus* (1) Africa, Slave of Piet de Villiers ; (2) Philander, Slave of H. O. Eksteen ; (3) Lafleur, Slave of J. P.

Roux ; (4) Klaas, Slave of J. C. de Villiers ; (5) Francina, Slave of ditto ; (6) Mercuur, Slave of Wouter de Vos ; for vagabondizing, burglary and theft.

Result : These were a part of a large gang of runaways who infested the Hanglip Mountains, and subsisted by what they could steal ; the proof was complete against them all, except Mercuur, who was acquitted ; the remaining five were sentenced as follows :—The 1st, Scourged, branded and work five years in irons ; 2nd, Scourged and work three years in irons ; 3rd, Scourged and work three years in irons ; 4th, Ten years in irons ; 5th, Francina, six months labour in a secure place.

14th December 1826. The same *versus* Carolus, Slave of P. A. Myburgh, for robbery.

Result : The prisoner applied for the evidence of three witnesses on his behalf, which the Court granted, and gave directions that they should be summoned from Stellenbosch accordingly.

14th December 1826. The Law Agent for the Country Districts *versus* Africa, Slave of Adriaan P. Cloete, for burglary and theft in the house of a former master.

Result : Completely proved, as well as acknowledged by the prisoner, whose offence was further heightened by his having made his escape from the prison where he was in confinement for desertion from his master's service. Sentenced to be scourged, and to work three years in irons.

19th December 1826. His Majesty's Fiscal *versus* (1) Joseph, Slave of A. T. Naser ; (2) Gert, Slave of the Widow Daniel Haupt ; (3) Christiaan, Slave of C. A. Haupt ; (4) Alexander, Slave of W. Lotter ; Joseph, assisted by Christiaan, for stealing six silver table spoons from Mr. Naser ; Gert, for instigating these two boys to commit the theft ; and Alexander (who is by trade a silversmith), for purchasing the property much under its value, and knowing it to have been stolen.

Result : The facts charged were fully proved, and His Majesty's Fiscal claimed that Gert and Alexander be publicly scourged, and work six months in irons ; and that Joseph and Christiaan be scourged in the prison and returned to their masters. The Guardian submitted to the Court that Joseph

was only fourteen and a half years old, and Christiaan not quite fourteen years, and that they had been instigated by others to commit the theft ; he prayed the Court therefore to take into consideration the youth of the two prisoners. and hoped that the confinement already suffered by them would be deemed a sufficient punishment. The Court confirmed the Fiscal's claim against Alexander, and sentenced Gert to be scourged and returned to his master, and the two boys, Joseph and Christiaan, as recommended by the Guardian, were released without further punishment.

19th and 20th December 1826. His Majesty's Fiscal *versus* (1) Adonis, Slave of G. N. Lond ; (2) Azor, Slave of Coenraad Laubscher ; (3) Isaac (1.) Slave of J. S. Needham ; (4) Carolus, Slave of N. Hofmeyr ; (5) September, Slave of J. H. Smuts ; (6) Isaac (2.), Slave of Frank van Reenen ; (7) Saartje, Slave of Widow Heydenrich ; (8) Abdol, or Dollie, Slave of W. J. Klerck ; for being the perpetrators or in some way implicated in various burglaries which had taken place in Cape Town, when no less than four houses had been broken into and robbed of money and goods to a very large amount.

Result : There was evidence only to convict the three first prisoners : 1st. Adonis ; 2nd. Azor ; and 3rd. Isaac (1), as perpetrators of the burglaries and thefts ; and the 7th. Saartje, of receiving a large part of the stolen property ; and these were sentenced as follows : 1st. Adonis, to be exposed under the gallows with a rope round his neck, then scourged and branded, and to work in irons for life ; 2nd. Azor, to be scourged and branded, and to work for life in irons ; 3rd. Isaac (1st.), to be scourged and branded, and work for life in irons ; 7th. Saartje, to be exposed under the gallows with a board round her neck, on which is to be inserted " Receiver of stolen goods," and to be banished to Robben Island as a convict for three years. The Fiscal could not bring home either to 4th, Carolus, 5th, September, or 6th, Isaac (2nd), any part of the crimes with which they were charged, although they were bad characters and suspicion strong against them ; they were therefore allowed to be returned to their masters, under the condition that if within one year evidence could be brought against them, they must be surrendered again to take their

trial. Against Abdol or Dollie, the 8th prisoner, there were no grounds for action whatever, and he was released on the 24th December.

(Signed) G. J. ROGERS,
Registrar and Guardian of Slaves.

GUARDIAN OF SLAVES OFFICE, CAPE TOWN,
CAPE OF GOOD HOPE, 27th December 1826.

[Appendix B.]

*Return of Complaints and Applications for Freedom which have
been made to the Guardian of Slaves in Cape Town from the
1st August to the 25th December 1826.*

1. 1st August 1826: Marthinus Christiaan and Martha Christina, of the widow of the late William Herold, complained that they had been for many years illegally detained as Slaves by the said Widow Herold and her deceased husband, and they were still registered as the property of the estate, contrary to an express testamentary disposition made in their favour by the widow of Johan George Lambrechts. They stated further, that a sentence or decree of the Court of Justice relative to them was given on or about the 20th July 1821, but that they were unacquainted with its purport.

Report: Having in consequence of the statement made by the complainants applied to the Court of Justice for a copy of the sentence or decree mentioned by them, the Guardian was informed in reply (2nd August) that no process had ever existed in this case, but that it had been merely a subject of repeated inquiry before Commissioners, which was so far advanced that a full report would be laid before the Court on the following day (Thursday the 3rd), and that the result would be communicated. On the 14th August the Guardian received from the Secretary of the Court of Justice an extract resolution, authorizing the executors to the estate of the said Mrs. Herold to carry into effect the testamentary disposition made by the late Anna van Dyk, widow of Johan George Lambrechts, in favour of the said Slaves; and on the 15th Mr. Paul Roux P. son, one of the executors, being called upon, attended, and signed the deeds of manumission of Marthinus

and Martha or Martje, together with those of the four children of said Martje.

2. 7th August 1826 : Christiaan, of M. J. Smit N. Son, and C. F. Reinhardt, complained that said Reinhardt claimed from him the sum of 600 rixdollars for his freedom, notwithstanding his having paid the whole or greater part of the sum which was fixed as the price of his emancipation by a former master (Hendrik Smuts F. son) on his being transferred to the late Mr. Samuel Leeson.

Report : Upon reference to the notarial transfer of said Christiaan to the late Mr. Leeson, it appeared that he was transferred under a condition that he should be manumitted upon refunding the purchase-money, being 800 rixdollars, and paying the costs attending his emancipation, till which period he should be considered as the full and legal property of said Leeson. With regard to Christiaan's statement of having paid the greater part of the sum of 800 rixdollars, he could produce no proof whatever ; and it further appeared, that on his being transferred to Smit and Reinhardt, the sum which he was to pay for his freedom was reduced by Mr. Leeson's executors to 600 rixdollars. C. F. Reinhardt appeared before the Guardian on the following day (8th August), and stated that he was at present the sole proprietor of the Slave ; that he had received no part of the purchase-money, although Christiaan had been allowed, in the first instance, to hire himself out in order to raise the requisite sum. He further stated, that he was willing to manumit him if he could bring sureties for the sum of 500 rixdollars, which being explained to Christiaan, he engaged to endeavour to do so. 10th August, Thomas Johnstone appeared at the office, and in the presence of the Guardian, offered said Reinhardt 400 rixdollars for the freedom of Christiaan, which being accepted, the Slave was accordingly manumitted.

3. 7th August 1826 : Philada, of J. F., E., C. and E. van Schoor, complained that herself and children were illegally detained as Slaves by the said persons, and ground their claim to freedom upon her (Philada's) statement, that Evert van Schoor (father of the present proprietors) had several children by her whilst she was his Slave ; that she had memorialled the Court, but had no answer.

Report : A letter was therefore written on the 8th to the Secretary of the Court of Justice, requesting to be made acquainted with the result of the proceeding which had taken place in consequence of such memorial ; and on the following day the Guardian was informed in reply, that the case was in a course of inquiry, but that the difficulty of procuring the attendance of all the witnesses had retarded the investigation, and that any further proceedings would be communicated.

4. 7th August 1826 : Spasie, of Lakey of Bengal, complained that she is illegally detained as a Slave, and that she was not purchased by said Lakey as a slave, but in order to be manumitted, and referred to the condition under which she was transferred to him by the late F. A. Heyneman. She produced a receipt for 500 rixdollars, paid by D. Jansen to said Lakey on her behalf ; and stated further, that as she was not sold to him as a Slave, and as he has employed her as such, the purchase-money has been more than paid. She mentioned Mr. M. Ruysch as a person who could corroborate her statement.

Report : Upon reference to the condition under which Spasie was transferred to said Lakey, it appeared that she must be manumitted as soon as she shall repay the purchase-money, being 800 rixdollars ; and Lakey being sent for, acknowledged that he had received the sum of 20 rixdollars after the date of the receipt produced by her ; and states that from the time of her being transferred to him, she had neither served him nor brought him any part of her wages, but that he was willing, in order to be relieved from her importunities and the uneasiness to which she put him, to manumit her for the sum of 200 rixdollars. On the following day (the 8th), Lakey produced a receipt from F. Hooger, who, at the period the transfer was made, usually transacted business for said Heyneman, declaring that said Spasie was purchased under condition that if she could repay the sum of 800 rixdollars, over and above her daily hire, she should be manumitted, and that Lakey should be obliged to sell her to any person who would advance that sum for the purpose of making her free ; and on the 9th August Mr. M. Ruysch being called upon to state what he knew respecting the case of Spasie, made a similar declaration to that of F. Hooger ; and Spasie was therefore

recommended to make some arrangement with Lakey for the payment of the 200 rixdollars required by him, or of such less sum as he might be willing to take.

5. 9th August 1826 : Thomas or Tom, of Mr. A. Macdonald, conceived that he is entitled to his freedom in consequence of his having been in England with his master in 1809 ; he stated, however, that he had not claimed his freedom when in England, that Mr. M'Donald does not employ him as a Slave, and that he keeps a retail shop on his own account.

Report : Recommended by the Guardian to ask Mr. M'Donald whether he still considered him as a Slave, or whether he was willing to manumit him.

6. 10th August 1826. November, of F. A. Liesching, complained that he is illegally detained as a Slave, and stated that papers relative to his case had been deposited with the Landdrost of the Cape district.

Report : In consequence of the statement of November, application was on the following day made to the Landdrost for the papers, and on the 15th the Guardian received a letter from him, enclosing the copy of a resolution of the Court of Justice, dated the 16th July 1818, declaring that there were no grounds whatever for the claim to freedom made by November, who, on the 16th, being informed of the receipt of the said resolution, stated that since the date of that document Mr. J. B. Hoffman had collected further proof relative to his claim, which, however, Mr. Hoffman (on the 21st) denied to be the case.

7. 15th August 1826. The emancipated Slave Jeanette, on behalf of her son Pharao, of Mr. M. Melk, complained that her son Pharao is illegally detained as a Slave, and that he should be free ; as her mother, named Sara, was purchased and made free when about three years of age.

Report : Jeanette having brought as witnesses the Widow C. C. Lotter, and a slave woman, named Lys, they were examined ; but their knowledge of the case being from report, their evidence was of little avail, and Jeanette therefore was desired to bring forward, or to mention the names of other witnesses, which she accordingly undertook to do. On the

1st of December Jeanette produced a written statement relative to this case, in which several witnesses were mentioned, and in which Pharao is stated to be the child of a former master.

8. 16th August 1826. Present, of Petrus Jacobus Mostert, complained that he is illegally detained as a Slave ; and states that he was clandestinely brought on shore at night to the house of the late R. van Blerck, in the Heeregracht, by whom he was sold to the country. He states further, that the captain was put into prison for selling Slaves.

Report : In this case the following witnesses have been examined :—1st. Fortuin, a free black, formerly a prize apprentice ; his statement agreed with that of Present, and he mentioned further, that he had in the first instance been brought on shore as a Slave, but was afterwards taken from his master by the Police, and placed out as a prize apprentice. Witness stated that he was too young at the time of his arrival here to be able to recollect Present, but that complainant had recognized him immediately. 2nd. Anthony, formerly a prize apprentice, whose evidence corresponded with the former statements, and who declared further that he knew Present. 3rd. Africa, formerly a prize apprentice, in the service of Mr. Duckitt ; his evidence was similar to that of 2nd witness, and he also identified Present. 4th. Masentie, registered by the name of David, and as the property of C. L. Alexander. This witness stated, that he had been brought on shore at night by the father of said C. L. Alexander, and that he had been sent to the country to avoid the inquiry which had been instituted respecting the persons who had arrived in the same ship with him, and who had been illegally sold as Slaves ; and that on his return to town he was examined by the Fiscal relative to one of the said boys, named José, who had claimed his freedom, but that he heard nothing of the case since that time : witness also knew Present. 5th. Pedro, formerly a prize boy, in the service of Mr. W. J. Klerck ; had been brought on shore as a Slave, and taken by the police in the same manner as Fortuin : witness has not seen Present since he left the vessel. 6th. Henry Crowcher, overseer at the Government Farm Groote Post ; was present when complainant was recognized as having come in the same vessel by April, formerly

a prize boy, but now free, and residing at Groote Post. 7th. July, formerly a prize boy at Groote Post, but now free, and resident in Cape Town ; knows Present, who came in the same vessel with him ; in his description of the captain, and in other points his evidence is similar to that of the other witnesses ; and he states further, that Present lived at one period at Groote Post. 8th. Henry Buckton, Esq., recollects the circumstance of a Portuguese vessel being detained here for smuggling Slaves, and considers it possible, from the statement of Present and his witnesses, that they may have come in the vessel to which he alludes. 9th. Mr. Marthinus van Blerck recollects the circumstance of a Portuguese captain, who lived in the house of his mother, being taken to prison on account of having illegally sold Slaves, and the Slaves were declared free, and apprenticed for 14 years. Witness believes that if he were to see Present he should be able to recognize him, if he has been, as he states, a slave of his (witness's) father. The names of some other witnesses have been mentioned, but the Guardian has not yet been able to discover where they are resident. Complainant was returned to his master on the 9th September, on an understanding that he should not be punished, and that he should be forthcoming whenever his attendance might be required.

9. 18th August 1826. Fredrica, of Johan Philip Reinhardt, claims the freedom of herself and children, on the ground that her mother, named Sara, came to this colony as a free person.

Report : Three witnesses have been examined in this case. 1st. Sara, mother of the complainant stated, that she is a native of Madagascar, and that when she was about 12 years of age the captain of a French vessel requested her parents to allow her to go with him, and promised to take her back when he should return from Europe. He left her, however, at this place with Mr. Van Blerck, and did not return. 2nd. Flora, slave of Mr. Carel Hancke, is acquainted and came in the same vessel with Sara, whose evidence she corroborates in every point. 3rd. Mr. Marthinus van Blerck ; knows the first witness Sara, and states that she was the property of his deceased father, Roger Bernardus van Blerck, and afterwards belonged to his uncle ; witness further states, that having been

very young at the period of Sara's becoming his father's property, he can not state positively, but he believes she was given to his father as a present.

10. 18th August 1826. Janna, of Stephanus Johannes Hofmeyr I. son, complained that she is illegally detained as a Slave ; and states, that she arrived in this colony from Bengal when about 12 years old, as the adopted child of the boatswain of a Dutch vessel, who, when he left her here, promised that he would return and take her back to her own country. After his departure she resided first in the family of an officer, named Van Balen, but afterwards with Mrs. Hertzog, who has disposed of her and her children as Slaves.

Report : The only witness whom the Guardian has yet been able to examine in this case is Domingo, Slave of Mrs. Hertzog, who states, that having been body servant to the late Mr. Hertzog, he on several occasions heard his master say that Janna was free on her arrival here.

11. 19th August 1826. Samila, or Samida, of the widow Jacob van der Merwe, complained that she is illegally detained as a Slave, and states that she, together with her mother and two sisters, arrived here, in the year 1787, from Ceylon, at which place they were free persons ; that her case has already been before the Court of Justice, but that she is unacquainted with the purport of the decision. She stated also that she came to this colony in the ship *Hof ter Linde*, belonging to the Dutch East India Company ; and that it was customary to forward, by each vessel, to the governor of this place documents relative to the cargo, &c. and comprehending the names, and describing the rank or condition of the passengers, and which documents were deposited in the Colonial Office ; she therefore begged that reference might be made thereto, in order to ascertain if the names of herself and mother and sisters are duly entered.

Report : The Guardian applied on the 20th of August to the Colonial Office for copies of the documents mentioned by Samida, which were accordingly furnished on the 27th : but it did not appear therefrom that complainant, her mother or sisters came in the *Hof ter Linde*, although the names of other Slaves are inserted in the list of passengers ; and on the 21st

October the Guardian received from the Court of Justice an extract from a resolution passed on the 9th August 1821, from which it appears, that Samida having prayed the Court to appoint a curator to prosecute her claim to freedom, it was resolved to refuse her application, in consequence of a last will, made on the 4th May 1777, by Christina Breda, widow of Egbert van der Veld, and which will was exhibited to the commissioned member charged with the inquiry, by a certain widow Matthezer. In the extract resolution it is not stated at what place the will was made ; but from inquiry the Guardian understands that the said widow Van der Veld was resident at Ceylon.

12. 21st August 1826. Candace, of the widow Thomas Beedlestone, represented that her mistress (who is her sister) had ill-treated her, and threatened to sell her, although she was not purchased by the late Thomas Beedlestone with the intention of being sold, but, as he informed her, for the purpose of being made free as soon as she had refunded the purchase-money, being 1,800 rixdollars. According to a written statement produced by her she had repaid, on the 31st July 695 rixdollars ; and she further stated that she was still hired out at 20 rixdollars per month, which becoming due on the 31st August would increase the sum to 715 rixdollars ; that William Spratt, with whom she cohabited, was willing to pay 500 rixdollars for her freedom, and that he would then have her christened, and marry her.

Report : In this case the Guardian has examined Mr. William Kingham and Mr. F. S. Watermeyer, whose evidence tends to prove the statement of Candace relative to the intentions of the late Thomas Beedlestone ; and the first-mentioned states further, that Beedlestone had told him he would not require interest, and would be satisfied with a less sum, if any one would pay it at once, in order to manumit her ; but as it did not appear either from the statement of complainant, or from the evidence of the witnesses, that it was the intention of the late Thomas Beedlestone to emancipate Candace until at least the greater part of the purchase-money had been repaid ; and as from the calculations produced by Candace, it appeared that she was still 1,133 rixdollars in debt, the

Guardian did not conceive himself authorized to pursue other than persuasive measures, in which, however, he has not been so successful as he could have wished, the Widow Beedlestone refusing to receive less than 1,000 rixdollars, and the person on the behalf of Candace declaring his inability to pay more than 700 rixdollars.

13. 21st August 1826. Thomas, of George William Fredrik Heldzingen, having some time since made claims to his freedom, an inquiry was instituted on the 18th August 1825, before the board of Landdrost and Heemraden of the Cape district, and the proceedings were this day forwarded to the Guardian.

Report : From the evidence which has been given in this case, it appears that complainant (who is in the registers described as a native of Mozambique) was brought to this colony from Monte Video in the year 1807, by Mr. Philip Newton, and that his mother was a free woman, and a native of that place ; and from a letter of the Comptroller of the Customs to the Landdrost of the Cape district, dated 9th July 1825, it is shown that Mr. Newton did not obtain permission to land any Slave from Monte Video. In the course of his inquiries the Guardian was informed that an advocate had already been appointed, to bring the claim of Thomas before the Court of Justice, and that he would be called upon to go on with the case.

14. 21st August 1826. Lena, of I. H. Kotze, of the Stellenbosch district, complained that her master would not allow her to attend church, although she had been brought up in the Christian religion, and that he will not cause her to be christened ; she states further, that her former master and mistress had in their will directed that she should not be sold.

Report : Upon reference to the will alluded to by Lena, and to a will made by her late master, subsequent to the decease of his wife, it did not appear that any disposition had been made in her favour ; the Guardian, therefore, (on the 22nd) referred the case to the Landdrost of Stellenbosch for investigation, and was informed on the 13th of September, that after due inquiry it was resolved to return complainant

to her master, directing him to comply with her request, that she should be allowed to go to church, and to be christened.

15. 23rd August 1826. Lucy, of Petrus Michiel Brink, complained that she was illegally detained as a Slave, and represented that she arrived in this colony in the year 1790, from Madras, where she was a free person ; she stated further, that she was left at this place with a certain Widow Smit, who having married Mr. Klaas Peters, she was carried into his service, and was afterwards sold on his account by the sequestrator.

Report : The Guardian has not yet been able to examine any witnesses in this case, but has procured a copy of the inventory, dated 20th June 1793, taken at the decease of the said Mrs. Peters, purporting to be an inventory of the effects of herself and her surviving husband ; in this, however, Lucy's name is not inserted, which, if her statement relative to the manner in which she entered the service of Mr. Peters be correct, the Guardian considers a favourable circumstance in support of her claim.

16. 24th August 1826. Saartje, of C. I. Rabé, complained that her child, named Adam (who is free), was detained by Mr. M. Jurgens, against her consent.

Report : The complainant having been desired to represent her case to the Superintendent of Police, produced on the 26th a certificate from the Deputy Superintendent, from which it appeared that the child in question was apprenticed by the Fiscal on the 12th October 1821, with the consent of the mother to said Jurgens.

17. 26th August 1826. Isabella, of W. I. Klerck, complained that she and her children were illegally detained as Slaves, although she was given to Mr. Klerck's late wife, under condition that she should be manumitted at the decease of the said Mrs. Klerck, which took place in December 1816.

Report : Mr. Klerck having been called upon respecting this complaint, produced documents proving that Isabella had been presented to his deceased wife, under condition that she should not be sold, but making no other stipulation, nor any provision for the children she might procreate ; it appeared also that a similar representation having been made to His

Majesty's Fiscal on or about the 13th September 1825, he had made inquiry into the case, but had found no grounds for action, and the Guardian therefore declined to interfere, on the conviction that the complaint was without foundation.

18. 26th August 1826. Willem, of J. Minnaar, senior, complained that he was illegally detained as a Slave, and stated that his mother, named Baatjoe, was formerly the property of one Captain Ketjes, and had been brought by him to this colony as his concubine ; that he was the child of said Ketjes by such connection ; and that Ketjes, on quitting this place, had left Baatjoe with one Miss Prins, on condition that she should not be sold, and that the child of which she was then pregnant (Willem), should be free, and brought up in the Christian faith.

Report : In this case the Guardian has examined three witnesses, but has elicited nothing further than that the mother of Willem arrived in this colony on board a vessel commanded by Captain Ketjes, and that she was left with Catharina Josina Prins, in whose service said Willem was born.

19. 4th September 1826. Rosina, of the Widow A. Scheuble, represented that her mistress had threatened to sell her, although in the will of a former proprietor it was directed that she should not be sold.

Report : On examining the will alluded to by complainant, it appeared that she and her mother, named Candaas, were to be allowed to choose with whatever person they might be inclined to live, and that the person selected should pay 500 guilders to the testator's estate ; but no provision was made relative to their disposal after that period, and the Guardian is therefore induced to believe that this disposition was made with a view to enable Candaas and Rosina to find some person who would advance the amount for their freedom. In order to bring this case to a decision, the Guardian applied to the Orphan Chamber for a copy of the will in question, but was informed that no papers could be delivered gratis without an authority from the Court of Justice ; and having referred the correspondence to government, was directed to apply in the first instance to the Court for copies of wills, &c. which he might require.

20. 4th September 1826. Jack, of the late William Fiford, complained that he was illegally detained as a Slave, and stated that he was given over as a prize Slave to said Fiford.

Report : From the inquiry which the Guardian has been able to make in this case, he has not yet discovered any grounds for the complaint made by Jack.

21. 6th September 1826. Domingo, of Hendrik Cornelis van Niekerk, Jans son, complained that he was illegally detained as a Slave, and stated that on his arrival here from Mozambique, he and the other Slaves on board the same vessel were landed at Robben Island, on account of the small pox being then prevalent amongst them, and that he was brought from Robben Island, and sold to Fredrik van Reenen.

Report : The Guardian has not yet been able to obtain any evidence in support of the claim of Domingo ; and although he gave up the names of several persons whom he stated to be witnesses in this case, the Guardian could not from his statement discover where these persons are resident.

22. 19th September 1826. Matthys, of Johannes Louw Johannes son, represented that his master had refused to manumit him for a less sum than 2,000 rixdollars, although his father has offered from 1,200 to 1,500 rixdollars for his freedom.

Report : Matthys and his father were recommended to endeavour to arrange the matter amicably with Mr. Louw ; and were informed that 1,500 rixdollars would appear to be rather a small sum, Matthys being a young healthy African Slave, about twenty-four years old, and having acknowledged that he was a good groom and house-boy, and to be let out at twenty-five rixdollars per month.

23. 21st September 1826. Janiera, of Anna Betthea, Jane and James Callander, represented that in the will of her late master there are some conditions favourable to herself and the other Slaves of the same proprietors, and requested that the Guardian should make inquiry into the circumstance.

Report : Upon inquiry at the Orphan Chamber respecting this case, the Guardian was informed that the statement of Janiera, relative to the testamentary disposition of her late

master, was correct ; but that it was not considered that he had the right of disposing of the persons or services of herself and the other Slaves, as they had been the property of his wife, who by ante-nuptial contract had secured to herself all right and title thereto, and who in her will had bequeathed them to her children ; the Guardian was anxious to bring this case to a conclusion, and therefore applied to the Orphan Board for copies of the several documents, but his request was not complied with, upon the same grounds as mentioned in the case No. 19.

24. 26th September 1826. Apollos, of Ryno Mellet, complained that he was illegally detained as a Slave, and stated that he had been captain's servant on board a ship bound from India to the Isle of France, and which vessel having been seized by a King's ship, was brought to this Colony and sold by the captain, whose name was Van Helsland, as a Slave.

Report : The Guardian having required the attendance of Mr. Van Helsland, he stated that he had bought said Apollos in India about the year 1799, when he was in irons for the crimes of which he had been guilty, and that he had been obliged to sell him at this place on account of his having stolen a sum of money. He stated further, that Apollos has more than once preferred his claim to freedom, on which occasions several inquiries were made by His Majesty's Fiscal, whom he believed to have been perfectly satisfied that the representation of complainant was without foundation ; and the Guardian has not yet had it in his power to obtain any information which would authorize him to bring the case forward.

25. 28th September 1826. Baatjoe, of Rocca Catorzia, represented that he should be free, as a woman named Rosie, or Leentje, who was brought to this colony from Batavia, in the same vessel and by the same person as himself, was declared free by sentence of the Court of Justice on the 20th July last.

Report : Upon reference to the sentence of the Court alluded to by Baatjoe, it did not appear that any reason had been given for such resolution ; and it is therefore the Guardian's intention to beg an explanation. He is, however, inclined to believe that the sentence is founded on proof that the master

of Rosie or Leentje had lived in a state of concubinage with her whilst she was actually his property.

26. 13th October 1826. Drucilla, of Jacobus Stephanus van der Walt, H. son. The free woman Spasie represented, on behalf of said Drucilla, a convict under sentence of death, that she had been illegally sold by Johannes Joachimus Theron to Mr. Carel Hancke, in opposition to a testamentary disposition made in her favour by Hendrika Janson, at that time separated wife of Petrus Theron, and that said Hancke has again sold Drucilla, and the children which had been born whilst she was in his service, to other persons.

Report : In the course of his inquiry into this case, the Guardian discovered that Drucilla and her children, named Carolina, Camies and Barroc, were reported by Mr. Hancke as his property, on the formation of the registers, and that they were at the same time reported (with several others) by the Orphan Board as belonging to the estate of the late Hendrina Janson, separated wife of Petrus Theron, and to which last report was annexed a copy of a will, made by the said Hendrina Janson, from which it appeared that it was her desire that none of the Slaves should be sold, but that they should be entitled to purchase their freedom at certain prices stated therein. It is therefore evident that the sale of Drucilla by J. J. Theron, the son of the said testatrix, was an illegal transaction, and His Majesty's Fiscal, who has undertaken to bring the case of Drucilla forward, has every hope to establish the right to freedom claimed by herself and children : and the Guardian is making further inquiries in order to enable him to obtain the emancipation of a child whose mother, named Fanny, having belonged to the said Hendrina Janson, was in the aforesaid will directed to be manumitted immediately after the death of the testatrix, but who it appears, however, had been sold prior to the formation of the registry, and whose name is not included in the report from the Orphan Chamber.

27. 14th October 1826. Mietje, of James Daly, represented that at the period of her master's quitting this colony, he left

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her in charge of Mr. P. S. Buissinne, and told her that, until his return, she must gain her own livelihood and that of her children, and in the event of his not returning, she was to continue to do in the same manner as a free person. She therefore complained that said Buissinne obliged her to pay 10 rixdollars per month, and that he had compelled her daughter Rosina to proceed with him to Caledon against her consent : she stated further, that Rosina was the child of said Daly.

Report : In his inquiry into this complaint, it appeared to the Guardian that, at Mr. Daly's departure from the colony, he left the Slaves in charge of Mr. Buissinne, who states that they were to remain with him until Mr. Daly's return, or till further orders, and that the power of attorney to that effect was delivered to the sequestrator at the time he surrendered his estate as insolvent. The Guardian has not, however, been able to obtain this document from that department. Nothing has been heard of Mr. Daly since he quitted this colony. With regard to the payment of the 10 rixdollars per month, it appears that it was an arrangement made by Mietje, on condition that she should be clothed ; and from the evidence of Rosina it does not appear that she was forced to proceed to Caledon, but that she went there with good will, and was perfectly satisfied with the treatment she received from Mr. Buissinne. No proof was offered relative to her statement that Rosina was the child of her master.

28. 16th October 1826. Antje, on behalf of her child named Martje, both of J. A. van Breda, represented that the father of said Martje directed in his will that the freedom of Martje should be purchased out of the effects which he might possess at his decease, but that at his death his property had been claimed by the nearest relatives, when an arrest was laid thereon, and the case brought before the Court of Justice. And as she had for a considerable time heard nothing of the case, she requested the Guardian to make inquiry.

Report : Upon referring to the books of the Orphan Chamber, the Guardian found that subsequent to the will alluded to by Antje (dated 5th June 1816), the testator had, on the 9th May 1819, made a second will, revoking the former, and

making no provision for the purchase of the child, but bequeathing the whole of his property to his relatives, which being communicated to Antje, she expressed her hopes of being able to set aside the second will, by proving that about the period of its date the testator had so much addicted himself to liquor that his understanding was thereby weakened, and she at the time stated that she believed that the relatives of the deceased were willing that the child should be purchased out of the proceeds of the estate, and the Guardian therefore intends to see them on the subject when his other occupations will permit.

29. 18th October 1826. Leentje, of Hendrik Greeff, senior, complained that her master had caused her child, named Sina, to be registered as a Slave, notwithstanding his being the father of it.

Report : The evidence which has been offered to prove that the master is actually the father of the child is clear, and, as far as the Guardian can at present judge, consistent ; two witnesses having declared positively that they were employed by said Greeff to persuade complainant to submit to his desires, under a promise of freedom, and a third witness having stated that she was often accustomed to sleep in her master's room ; the Guardian therefore hopes that he shall be able to obtain the freedom of Leentje and her child without having recourse to legal measures.

30. 20th October 1826. Slaves of the estate of the deceased Widow François Petrus Naude. It was represented to the Guardian on behalf of the Slaves, that they were still detained in slavery, although it was directed in the last will of their deceased mistress, that they should be manumitted on payment of the expenses.

Report : The Guardian having, in consequence of this representation, referred to the copy of the will, which is deposited in the Orphan Chamber, found that the statement was correct, except as far as regards one boy, who is to pay 300 rixdollars to the estate ; but in the course of further inquiries, the executor to the estate transmitted to him an extract resolution of the Court of Justice, directing him (the

executor) to delay the manumission of the Slaves until the debts due by the estate have been discharged, and for that purpose authorising the Landdrost of Stellenbosch to let out the Slaves for the benefit of the creditors ; a further communication will however be made to the executor on the subject.

31. 23rd October 1826. Carel, of C. Korsten, and Piet, of J. H. Blanckenberg, represented that they were brothers, and that they were illegally detained as Slaves, and stated as a ground for this complaint, that their mother, who was a native of Bougies, had been brought to this colony as a free person.

Report : The Guardian regrets that neither of the complainants were able to refer him to any person whose evidence would be of any avail to them, with the exception of their mother, whom they stated at times to labour under a weakness of intellect, and upon whose evidence no dependence could be placed.

32. 24th October 1826. Hendrik, for himself and other Slaves of H. J. Greyling, represented that he was unlawfully registered as a Slave, as he had been sold to his mother before he was born for the sum of 50 rixdollars ; and that the other Slaves of said Greyling were improperly detained as Slaves, as a former owner, the mother-in-law of said Greyling, had in her will directed that the said Slaves should be manumitted as soon as they were able to pay the costs attending their emancipation.

Report : As there are no longer any charges or restrictions on the manumission of Slaves, the Guardian directed his assistant at Worcester, in which district Greyling was said to reside, to call upon him to emancipate the Slaves in question, and was informed in reply, that the widow of said Greyling would take an early opportunity of proceeding to Cape Town.

33. 1st November 1826. Jannetje, of the estate of the late Dorothea Pas, represented that her deceased mistress having directed in her will that she was to be emancipated, if within

the period of six years, she could pay the sum of 2,000 rixdollars, or give security for that amount, she had accordingly informed the executor to the estate, that she had a small sum of money which she would give him in part payment, but which he, however, refused to receive, unless as interest for the principal sum. She stated likewise, that since the death of her mistress she had been obliged to support all her children, five in number ; and she therefore on these grounds requested the interference of the Guardian.

Report : From his inquiry into this case, the Guardian is induced to believe that the statement of complainant is correct, but he has not yet been able to take any further steps therein from the great press of other matter.

34. 7th November 1826. Mey, of F. W. Heydeman, complained that he was illegally detained as a Slave, and stated that he arrived here in a Portuguese vessel from Mozambique, that the Slaves were landed at Robben Island on account of the small-pox being prevalent amongst them, and that all the boys who came with him are now free.

Report : The Guardian has not been able to discover any of the persons mentioned by Mey as witnesses in his case.

35. 8th November 1826. Anthony, of the estate of the late Widow Abner Fairbanks, represented that his deceased mistress had promised that he should be free at her death, and he therefore requested the Guardian to make inquiry into this circumstance ; he stated further, that he was willing to purchase his freedom for a reasonable price.

Report : The Guardian having made the necessary inquiries, ascertained that no testamentary disposition was made in favour of Anthony by his late mistress ; and as far as regards the purchase of his freedom, it did not appear that he had the means of so doing, nor that he could get security for more than 400 rixdollars.

36. 13th November 1826. Lendor, of P. F. Hugo and P. Wikboom, complained that he is illegally detained as a Slave.

Report : In this case the Guardian has made several inquiries,

and has referred it to his assistant at Simon's Town, in consequence of it having been represented to him that the greater number of the witnesses are resident at that place, and where the inquiry is going on.

37. 15th November 1826. Rachel, of the estate of the Widow J. P. Naude, represented that she was blind, and on that account her mistress had bequeathed her half her property, but that the executor to the estate had refused to support her, although she was unable to earn her own livelihood.

Report : This case being connected with No. 30, the Guardian has not yet had it in his power to obtain any relief for the apparently unfortunate complainant.

38. 24th November 1826. Anthony, Maria, and Fortuna, of the estate of the deceased Widow A. Fairbanks, born Christina Jacomina Smit, represented that they were clandestinely imported into this Colony as Slaves, and requested the Guardian to prevent their being sold by the executors (Orphan Chamber) administering the estate.

Report : The complainants having produced a paper, dated Mozambique, 19th July 1797, purporting to be a list of the Slaves belonging to Christina Jacomina Smit, and in which their names were likewise included, and as they could not mention the names of any persons who could give evidence that they were illegally detained as Slaves, the Guardian did not consider himself justified in interfering in their case at present.

39. 6th December 1826. Gabriel, of J. C. Horak, represented that he had been illegally detained as a Slave by said Horak since the 1st May 1825, and produced an extract from a resolution of the Court of Justice, approving of an arrangement, by which the said Horak had undertaken to manumit Gabriel on the 1st May 1825.

Report : Mr. Horak having attended at the office of the Guardian, laid before him the will of the deceased married persons, Johannes Marthinus Horak and Yda Margaretha Atleda, who, in a codicil annexed thereto, directed that Gabriel

should be emancipated on paying to their estate the sum of 1,000 rixdollars, and until the payment of which, shall be let out for the benefit of their heirs ; and with regard to the agreement between him and Gabriel, Mr. Horak explained, that on account of the ill-behaviour of Gabriel, he had undertaken to emancipate him (on the 1st May 1824) at the end of twelve months, provided he conducted himself with propriety and worked for him for that period, which however he neglected to do. It is therefore the intention of the Guardian to make application to the Court of Justice for a copy of the agreement, in order to judge what steps should be pursued.

40. 6th December 1826. Roselyn, of N. Tyrholm, produced a paper or letter, dated 22nd April 1826, which she stated to have been given to her by her mistress, then the Widow Lusebrink, and in which the said widow promises that after her decease, Roselyn and her children shall be free ; and which document, therefore, Roselyn begged the Guardian to preserve, in order to prevent her being sold by the said N. Tyrholm.

Report : From the extraordinary manner in which the letter is written, and from the character of Mrs. Tyrholm, who is at times deranged, the Guardian is desirous of establishing the identity of the hand-writing, in order to obviate the difficulties which might arise at her decease ; but his endeavours have as yet been unsuccessful, Mrs. Tyrholm being at present also absent from town.

41. 13th December 1826. Lea, of J. P. Heinenberg, complained that she was illegally detained as a Slave.

Report : The evidence of one witness, who has been examined, is favourable to complainant, and the Guardian is now making further inquiry into the case.

42. 19th December 1826. Rachel, of the Widow Ryk le Sueur, represented that she had for six years been allowed to hire herself out to the man with whom she cohabited, at 18 rixdollars per month, but as he was no longer able to pay that sum, her mistress refused to receive less from him, and let out complainant to another person for 12 rixdollars per

month, which sum the man had before offered to pay on her behalf.

Report : Investigation will be made into this case.

G. J. ROGERS,
Registrar and Guardian of Slaves.

GUARDIAN OF SLAVES OFFICE, CAPE TOWN, CAPE OF GOOD HOPE,
27th December 1826.

[Appendix C, No. 1.]

Report of Proceedings of the Assistant Guardian of Slaves at Beaufort, since his commencement, under the Ordinance No. 19, dated 19th June 1826.

1. 7th September 1826. Male Slave, September, of Johs. Hendk. Claasens, charges his master with having severely ill-treated his Slaves Anthony and Jeck.

Report : This case was brought before the Commission of Circuit on the 19th October last.

2. 7th September 1826. Female Slave, Candaas, of J. H. Claasens, complained of Mrs. Rabe for having insinuated that she stole a piece of soap.

Report : The complaint was considered by the Deputy Landdrost so frivolous, that complainant was reprimanded for it, and ordered to return to the service of Mr. Rabe.

3. 13th September 1826. Male Slave, Philis, of John Baird, complained of by Mr. Baird for insolence, and absenting himself during the night without leave.

Report : The defendant was condemned by the Heemraad to receive twenty lashes in the public prison.

4. 25th September 1826. Male Slave, Salomon, and female Sanna, of Barnd. Johs. Koortze, complained of a deficiency of clothing and provisions, and ill-treatment against their master.

Report : The case will be prosecuted before the Board of Deputy Landdrost and Heemraden.

5. 25th September 1826. Male Slave, Abel, of Gerhs. Johs. du Toit, complained of ill-treatment against his master.

Report : Both complainant and defendant were seriously admonished by the Deputy Landdrost as to future conduct, and dismissed.

6. 10th October 1826. Female Slave, Lea, of Johs. Mans, complained of having miscarried in consequence of ill-treatment by her master.

Report : The case will be prosecuted before the Board of Deputy Landdrost and Heemraden.

7. 13th September 1826. Female Slave, Rosina, of Charl Marais, complained of a deficiency of clothing and provisions and ill-treatment, by Pieter Marais, Charl's son.

Report : The complainant having confessed that her statement was very erroneous and groundless, and that the assertions of P. Marais and J. S. Marais were perfectly correct, was seriously reprimanded by the acting Deputy Landdrost, and ordered to return to her master's service.

8. 3rd November 1826. Female Slave, Mariana, of J. H. Claasens, complained of by G. M. du Toit for insolence, and absenting herself from his house during the night.

Report : The defendant condemned by the acting Deputy Landdrost to four days solitary confinement on bread and water in the public prison.

9. 4th November 1826. Male Slave, Africa, of Barend Johs. Koortze, complained of ill-treatment against his master.

Report : The complainant was condemned by the acting Deputy Landdrost to receive six lashes in the public prison for his frivolous complaint.

10. 10th November 1826. Male Slave, Geduld, of Gerhas. Pets. Marais, complained of ill-treatment against his master.

Report : The body being examined did not even exhibit the

slightest marks of punishment; the plaintiff was consequently condemned by the acting Deputy Landdrost to receive fifteen lashes in the public prison.

11. 20th November 1826. Female Slave, Candaas, of J. H. Claasens, complained of ill-treatment against C. J. Rabe.

Report: No marks of any ill-treatment having been perceived, the plaintiff was directed by the acting Deputy Landdrost immediately to return to the service of the defendant.

12. 27th November 1826. Female Slave, Candaas, of J. H. Claasens, complained of by C. J. Rabe, for deserting from his service.

Report: The Undersheriff was directed by the acting Deputy Landdrost to hire the defendant to some other person in this village.

13. 6th December 1826. Male Slave, Patientie, of Wietse Botes, senior, complained of ill-treatment against his master.

Report: This case will be prosecuted before the Board of Deputy Landdrost and Heemraden.

(Signed) T. N. G. MULLER.

BEAUFORT, 22nd December 1826.

(A true copy.)

G. J. ROGERS,
Regr. and Guardian of Slaves.

[Appendix C, No. 2.]

Return of Law Cases in which the undersigned Assistant Guardian of Slaves has officiated, from the 19th of June 1826, until this date.

1. 4th December 1826. Hendrik, Slave of Jacobus Johannes Oosthuyzen, Wessel's son, complains that his master does not give him sufficient food, and that he has also flogged him without any just cause.

Report : The Board having acquiesced in the declaration of the prosecutor, of not having any ground for action, the plaintiff was condemned to be punished with twenty lashes in the prison here, and to pay all costs.

2. 7th December 1826. Pieter and Jephtha, Slaves of Pieter Terblans, Jan's son, complain that their master has yesterday beaten them undeservedly with a stick, and that he does not supply them with sufficient food.

Report : The Board having acquiesced in the declaration of the prosecutor, of not having ground for action, and the plaintiffs condemned in the costs.

3. 21st December 1826. Leys, Slave-girl of Carel du Plessis, complains that her master's son, Jacobus du Plessis, has on Monday last struck her five blows with the fist on the head, so that the blood gushed from her nose, because she was sick, and could not work ; and stated further that she has lately been very much ill-used by said Cobus du Plessis, who tied an ox-thong round her neck, pulled her by it, and afterwards fastened her to a pole and punished her with quince twigs.

Report : The defendant condemned in a penalty of £5, to be divided, according to the 13th Article of the Ordinance of the 19th June last.

(Signed) D. COOLHAAS,
Assistant Guardian.

OFFICE OF THE GUARDIAN OF SLAVES,
GEORGE, 27th December 1826.

(A true copy.) G. J. ROGERS,
Regr. and Guardian of Slaves.

[Appendix C, No. 3.]

Report of the Proceedings of the Assistant Guardian of Slaves at Stellenbosch ; including also, an Abstract of Law Proceedings, up to the 15th December 1826.

1. 6th August 1826. Lafleur, Slave of Jacobus Petrus Roux, Jacobus son, Africa, Slave of Pieter Daniel de Villiers,

Filander, Slave of Hendrik Eksteen, Klaas and Francina, Slaves of Isaac Cornelis de Villiers, David's son, Mercuur, Slave of Wouter de Vos, Dirk's son, of this district, criminal prisoners, the five first-mentioned for desertion, vagrancy, cattle theft, and, together with the sixth prisoner, for repeated burglaries and thefts.

Report : The prisoners having been brought for trial, (in the presence of the Guardian of Slaves himself) on the 28th September last, (together with their accomplice, the Hottentot Jan, in the service of the Rev. Mr. J. Spyker,) they have confessed the crimes brought forward against them in the act of indictment, excepting Francina, who appeared to have committed no burglary or theft, and Mercuur, who positively denied the accusation against him. The case having further been carried on at this place, and brought to a conclusion, the proceedings have been forwarded to the worshipful the Court of Justice in Cape Town.

2. 23rd August 1826. Lena, Slave-girl of Jan Hendrik Kotze, Hendrik's son, complains that her master refuses her to attend divine service on a Sunday, and to be baptized, which case was referred to the Landdrost for investigation, by the Registrar and Guardian, by his letter dated 22nd August 1826.

Report : The Landdrost having investigated the case, has forwarded to the Registrar and Guardian, by letter of the 5th September last, an extract from his day-book for his information, and has delivered this case to the secretary (the late Assistant Registrar) in order, should he find grounds for an action, to institute the same according to law ; the Landdrost further allowed Mr. Bauermeister (the son-in-law of Mr. Kotze) to take the plaintiff with him, with directions to acquaint Mr. Kotze to accede to her request.

3. 22nd September 1826. Carolus, Slave of Philippus Albertus Myburgh, Gerrit's son, a criminal prisoner for burglary and theft.

Report : The prisoner at first voluntarily confessed to two of the night-watchmen of his having been guilty of the crimes

laid against him, together with his accomplice, a free black of the name of Adam Soerat ; and the last-mentioned also having declared to the door-keeper of the prison the particular spot where the stolen property was buried ; these circumstances led to the discovery of the crime, and the apprehension of the prisoner and his said accomplice, as also the wife of the last-mentioned (on suspicion of being an accessory) : the prisoner being brought for trial denied the charge, but at the same time confessed having made the statement to the night-watchmen aforesaid, on the grounds that the general suspicion had fallen on him. The proceedings having been brought to a close were referred to the worshipful the Court of Justice.

4. 25th October 1826. Present, Slave of Daniel Johannes Rossouw, Daniel's son, a criminal prisoner for burglary and theft. The prisoner having been brought for trial on the 16th November last, acknowledged the charge, which was corroborated with the declaration of his accomplice, the Hottentot Arie, in the service of Jan Russouw : the case having subsequently been referred to the worshipful the Court of Justice, the proceedings were (by order of the Court) brought to a conclusion on the 12th instant.

5. 28th October 1826. Africa, Slave of Hendrik Cloete, Rudolph's son, a criminal prisoner for burglary and theft.

Report : The prisoner having been brought for trial on the 23rd November last, acknowledged the charge, which was corroborated by the evidence on the face of the proceedings ; while the case, after having been brought to a close, was referred to the worshipful the Court of Justice.

6. 4th November 1826. Present, Slave of Frans Daniel Rossouw, Frans' son, claims his freedom, and pretends to be a prize negro, with the name of Sima.

Report : The Assistant Guardian, to whom this complaint was referred by the Landdrost, having duly examined the prize negro Corenth, in the service of the Landdrost, in support of the plaintiff's pretension, he had declared to be perfectly unacquainted with the claimant ; and as the remaining wit-

nesses for the plaintiff were all residing either in Cape or Simon's Town, the Assistant Guardian (*vide* his letters of the 17th, 18th and 29th November last) has transmitted all the documents in this case to the Guardian in Cape Town, in order that a further inquiry may be carried on.

7. 6th November 1826. David, Slave of Jacobus Oostwald van Niekerk, Joh.'s son, although not yet registered in his name: A criminal prisoner for cattle and poultry theft.

Report. The prisoner having confessed the charges of the indictment, the R.O. prosecutor claimed that he may be publicly scourged by the executioner; but the Assistant Guardian having submitted the old age of the prisoner for the consideration of the District Criminal Court, the claim of the R.O. prosecutor was rejected, and the prisoner only condemned to receive 30 lashes.

8. 10th November 1826. Theresia (alias Thresie), female slave of Charles Jacobus du Plessis, Charles's son, requests that as her master had placed her in the service of H. Manenberg, of this town, that her child August (now three years old), who is still with her master at Groenberg, may be delivered over to her.

Report. The Landdrost having referred the complainant to this office, the Assistant Guardian has transmitted to the Guardian, by his letter of the 1st December last, the extract of the day-book of the Landdrost on the subject, and submitted the case for his consideration and direction; the Assistant Guardian stating at the same time that the claimant was of a bad character. Mr. Manenberg has also declined to have the plaintiff further in his service, for petty faults, in consequence of which, she has been dismissed from his service, (*vide* the letter to the Guardian dated this day).

9. 14th November 1826. Carel, Slave of Coenraad Johannes Fick, Paul's son, a criminal prisoner for wounding a Hottentot boy named Adam, in the service of Adolph Samuel van Coller, with a knife, in the chest, of which death was the consequence.

Report. A judicial commission having repaired to the spot on the aforesaid date, it appeared from the own voluntary confession of the said Adam, that the wound was inflicted by the prisoner without any malicious intent whatsoever on the part of the last-mentioned, but by accident: the prisoner having been brought for trial denied the charge brought against him by the public prosecutor; and the case having again been brought forward on the 12th instant, the only witness who had been present on the spot, corroborated the declaration of the said Adam, which from the evidence of the father of the deceased, the Hottentot Kieviet, who had attended him during his illness, it appeared that the deceased, a short time before his death, had also declared to him, that "nobody must blame either him or the prisoner, and that he received the wound by accident, and while in the act of playing with the prisoner;" who then had a knife in his hand cutting tobacco.

10. 17th November 1826. Dina, Slave girl of Hendrik van de Graaff, Esq., requests to know how far the case of the claim of freedom of herself and her son Boneparte, which is pending before the worshipful the Court of Justice, is advanced, and further requests that as she is now placed, by order of her master, at the Widow Laguerrene, she may be put in possession of a part of her clothes and a few moveables, her own property, for her use; and to be allowed to engage herself in the service of some person to procure some necessary articles of use and comfort.

Report. The Assistant Registrar has communicated to the Registrar in Cape Town, the contents of the first-mentioned request of the plaintiff, by letter of the 17th November last, in order to take such steps as may be deemed expedient; while the second request has been communicated to the secretary (the son-in-law of the plaintiff's master), who, according to the plaintiff's statement, has the charge of her master's affairs, and daily supplies her with food.

11. 24th November 1826. Jannetje, female Slave belonging to Geertruida Dorothea Pas, separated wife of Gideon Frederik

van Graan, claims the freedom of herself and children (referred by the Registrar by his letter dated 24th November 1826).

Report. The assistant Guardian having summoned the attendance of Mr. F. D. Rossouw, the executor of the estate of the plaintiff's late mistress, he has stated that the plaintiff is entitled to receive her freedom, on paying to the said estate the sum of six thousand guilders, according to the last will of her said mistress, dated 11th November 1822 ; and that with respect to her children, it was expressly understood in the said last will, that they were to serve the still surviving daughter of her mistress, named Geertruida Christina van Graan (vide further the letter of the Assistant Guardian), addressed to the Guardian in Cape Town, dated 28th November 1826.

(Signed) J. G. G. LINDENBERG,
Assistant Guardian.

OFFICE OF ASSISTANT GUARDIAN OF SLAVES, STELLENBOSCH,
December 15, 1826.

(A true Copy.)

(Signed) G. J. ROGERS,
Registrar and Guardian of Slaves.

[Appendix C, No. 4.]

*Report of the Proceedings of the Assistant Guardian of Slaves at
Uitenhage, 1826.*

1. 9th August 1826 : Slave Abraham, of G. J. Roedloff, claiming his freedom by virtue of a private will of his late master G. Oosthuizen, senior, deceased.

Report. All the statements which could be obtained having been laid before the Worshipful Commission of Circuit, the assistant Guardian has been directed to complete the whole of the documents, and transmit them to the Guardian.

2. 16th August 1826 : Slave Dolf Silas, of S. E. Terblanche,

complaining of having been unjustly sold as a slave ; and also that certain property which he and his deceased wife possessed having been taken from him by his late master.

Report. This case in a course of investigation by His Majesty's Fiscal, documents having been transmitted to the Guardian.

(Signed) H. HUDSON,
Assistant Guardian.

UITENHAGE, 18th December 1826.

(A true Copy.)

G. J. ROGERS,
Registrar and Guardian of Slaves.

[Appendix C, No. 5. (a.)]

Report of the Law Proceedings of the Assistant Guardian of Slaves at Worcester.

| No. | The Date when Notice was Received. | Prosecutor. | Defendant. | As whose Property the Slave is Registered, and where. | Nature of the Charge. | When trial is to come on. | Sentence or result. |
|-----|------------------------------------|---|------------|--|--|---------------------------|---|
| 1 | 1826. Sept. 13 | J. G. Aspeling, Secretary to the district. | Adonis . | Has stated to be a Slave of Jacobus Nel, J. A. son, but said Adonis is not registered in the books here. | Vagrancy and cattle stealing. | 1826. Sept. 16 | Sentenced by the Board of Landdrost and Heemraden to be scourged, and to work in irons without wages at Robben Island or elsewhere for two years. |
| 2 | Oct. 5 | Landdrost of Worcester. | Moses . | J. J. du Toit Frans son, Worcester. | Armed vagrancy, cattle stealing, and for being an accomplice in the assault upon the Slave February. | Oct. 5 | The passing of the sentence reserved for the full Court by the Commission of Circuit. |
| 3 | " " | " " | January . | P. du Plessis, Worcester. | For wilfully wounding his master's adopted son, P. du Plessis. | " " | Sentenced by the Commission of Circuit to be scourged, branded, and to work in irons without wages at Robben Island or elsewhere for three years. |

| | | | | | | | | |
|---|---|----------------|----|---|-------------------------------|--|----|--|
| 4 | " | " | " | " | A. N. Wassenaar, Worcester. | Burglary and theft. | " | Sentenced by the Commission of Circuit the 1st, 2nd and 3rd, Rynholt, Joseph and Damon, to be scourged and to work in irons with their master for one year; the 4th and 5th, Abraham and Izaak, to be flogged in prison before commissioned Heemraden, and returned to their master. |
| 5 | " | " | 6 | " | J. B. Dykman, Worcester. | | 6 | Sentenced by the Commission of Circuit to be scourged, and to work in irons at this drostdy for one year. |
| 6 | " | J. G. Aspeling | 15 | " | P. J. Smith, Worcester. | For an attack upon the life of his master with a knife. | " | |
| | | | | | Widow P. de Bruyn, Worcester. | For using improper language, by which the peace of the colony might be endangered. | 18 | Sentenced by the Board of Landdrost and Heemraden to receive 10 lashes, by the constables at the most public spot at Tulbagh. |

C
12

(Signed) C. F. SCHOLTZ.

(A true Copy.)

G. J. ROGERS, Registrar and Guardian of Slaves.

CESTER, 12th December 1826.

[Appendix C, No. 5. (b.)]

Report of a Complaint made to the Assistant Guardian of Slaves at Worcester.

1. 23rd November 1826 : Jonas, of Willem Nicolaas Vos. The complainant states that the free black January had no right to sell him as a Slave to W. N. Vos, as the said January purchased the complainant on condition that he should give him his freedom the moment the amount of the purchase-money should have been paid by the complainant.

Report. The complainant's statement has been forwarded to the Guardian of Slaves at Cape Town, on the 25th November 1826, for instructions.

(Signed) C. F. SCHOLTZ, Assistant Guardian.

(A true Copy.)

G. J. ROGERS, Registrar, Guardian of Slaves.

WORCESTER, 12th December 1826.

[Appendix C, No. 6.]

Report of the Proceedings of the Assistant Guardian of Slaves at Swellendam.

1. 12th August 1826 : Amos, Slave of Johannes Zacharias Moolman. Ill treatment by his master, being severely beaten.

Report : On the 6th September 1826 the master condemned by the commissioned Heemraden to a fine of £5, and the Slave returned to his master ; and on the 2nd October next a re-hearing of the case before the full Board, and the sentence from the commissioned Heemraden confirmed.

2. 6th September 1826 : Jacob, Slave of I. G. Laurens. Beaten by his master.

Report. On the 6th September 1826 the case dismissed by

the commissioned Heemraden, no grounds of complaint being proved.

3. 6th September 1826 : Lea, Slave of Hans Jacob Swart. Beaten by her master.

Report. On the 6th September 1826 decided as above.

(Signed) J. A. H. FALCK.

(A true Copy.)

G. J. ROGERS, Registrar, Guardian of Slaves.

SWELLENDAM, 18th December 1826.

[Appendix D.]

Return of a Case in which the Guardian of Slaves has made Application to the Court of Justice to be allowed to Transfer a Female Slave, without Three of her Children, who are under the Age prescribed by Law.

| Date of Application. | Name of the Mother. | As whose Property Registered. | Reasons for the Application. | To whom Transferred. | Names and Age of the Children not Transferred. |
|----------------------|----------------------------------|--------------------------------|--|-----------------------------|---|
| 1828 Sept. 19 | Rebecca with her youngest child. | Daniel Brink, Johannes Son. | The mother represented to the Guardian that she had been living for some time in the family of the Rev. Mr. Fallows, and that he was anxious to purchase herself and her youngest child; and as she was pleased with her situation, and had hopes that if Mr. and Mrs. Fallows returned to England they might take her with them, she preferred leaving her other children with Mr. Brink, by whom she was certain they would be well treated, and with whom their father resided. | The Rev. Fearon Fallows. | Mannuel, about 10 years old. April . . . 8 ditto. Bastian . . . 5½ ditto. |

G. J. ROGERS,
Registrar and Guardian of Slaves.

REGISTRAR AND GUARDIAN OF SLAVES OFFICE, CAPE TOWN,
27th December 1828.

[Appendix E.]

*Return of Slaves reported to the Registrar and Guardian to have been Baptized, from the
1st August to the 25th December 1826.*

| No. | Date of Baptism. | Name of the Slave. | | Sex. | Age or Date of Birth. | Name of the Proprietor. | Where Baptized. | By whom Baptized. | Remarks. |
|-----|------------------|---------------------------|-----------------------------|--------|-----------------------|-------------------------|-----------------|---|--|
| | | Name by which Registered. | Name by which Baptized. | | | | | | |
| 1. | 1826 : Oct. 8 | Soldaat . | James Robert Sol- daat . | Male . | Born 4th July 1825 | Fearon Fallows | CapeTown | Rev. F. Fallows | { Reported by Mr. Fallows, 17th Oct. |
| 2. | Dec. 11 | James . | James Lesenbury . | Ditto | About 17½ years . | J. D. Piton | Ditto | Rev. F. R. Kauff- mann, Lutheran Minister. | |
| 3. | Ditto | Robert . | Robert Sissing . | Ditto | " 22½ ditto . | Ditto | Ditto | | |
| 4. | Ditto | Christiaan | Christiaan Sissing | Ditto | " 21½ ditto . | Ditto | Ditto | | |
| 5. | Ditto | Willem . | Willem Sissing . | Ditto | " 19½ ditto . | Ditto | Ditto | | |
| 6. | Ditto | Jan . | Jan Giles . | Ditto | " 14½ ditto . | Ditto | Ditto | | |
| 7. | Ditto | Mary Ann | Mary Ann Redford | Female | " 13½ ditto . | Ditto | Ditto | | |
| 8. | Ditto | Rachel . | Rachel Sissing . | Ditto | Born 7th June 1826 | Ditto | Ditto | | |
| 9. | Ditto | Alida . | Alida Sissing . | Ditto | About 17½ years . | Ditto | Ditto | | |
| 10. | Ditto | Susanna | Susanna Giles . | Ditto | Born 25th July 1817 | Ditto | Ditto | | |
| 11. | Ditto | Fanchon | Fanchon Giles . | Ditto | " 12th Jan. 1820 | G. J. Rossouw | Ditto | | |

G. J. ROGERS,
Registrar and Guardian of Slaves.

REGISTRAR AND GUARDIAN OF SLAVES OFFICE, CAPE TOWN,
CAPE OF GOOD HOPE, 27th December 1826.

[Appendix

Return of Slaves Manumitted before the Registrar and Guardian at

| Number since the Operation of the Ordinance No. 19. | Progressive Number. | Date of Manu- mission. | Name of the Slave. | Sex. | Age or Date of Birth. |
|---|------------------------|------------------------------|--------------------|--------|------------------------------|
| 1 | 469 | 1826. Aug. 3 | Japie . . . | Male . | Born 11th December 1817. |
| 2 | 470 | „ 4 | Salie . . . | „ | About 33 years . . . |
| 3 | 471 | „ „ | 1 Philida . . . | Female | „ 28½ ditto. . . } |
| 4 | 472 | „ „ | 2 Philida . . . | „ | Born 30th June 1817 . . } |
| 5 | 473 | „ 8 | 1 Christina . . . | „ | About 30½ years . . . } |
| 6 | 474 | „ „ | Lea . . . | „ | „ 11 „ . . . } |
| 7 | 475 | „ „ | Willem . . . | Male . | Born 19th May 1817 . . } |
| 8 | 476 | „ „ | Andries . . . | „ . | „ 17th September 1820 . } |
| 9 | 477 | „ „ | 2 Christina . . . | Female | „ 29th January 1825 . . } |
| 10 | 478 | „ 10 | Christiaan . . . | Male . | About 50½ years . . . |
| 11 | 479 | „ 11 | Present . . . | „ . | „ 49 „ . . . |
| 12 | 480 | „ 12 | Jennie . . . | Female | „ 16 „ . . . |
| 13 | 481 | „ 15 | Marthinus . . . | Male . | „ 45½ „ . . . } |
| 14 | 482 | „ „ | 1 Martje . . . | Female | „ 41½ „ . . . } |
| 15 | 483 | „ „ | Fredrik . . . | Male . | „ 19½ „ . . . } |
| 16 | 484 | „ „ | Sellie . . . | Female | „ 17½ „ . . . } |
| 17 | 485 | „ „ | Philida . . . | „ | „ 10½ „ . . . } |
| 18 | 486 | „ „ | 2 Martje . . . | „ | Born 13th September 1818 . } |
| 19 | 487 | „ 17 | Manon . . . | „ | About 50 years . . . } |
| 20 | 488 | „ „ | Jagenotte . . . | „ | „ 14 „ . . . } |
| 21 | 489 | „ 18 | Betje . . . | „ | „ 31½ „ . . . } |
| 22 | 490 | „ „ | Hanna . . . | „ | „ 11½ do. . . . } |
| 23 | 491 | „ 21 | Alie . . . | Male . | „ 21½ „ . . . |
| 24 | 492 | „ 22 | James . . . | „ . | Born 26th May 1825 . |

F, No. 1.]

Cape Town, from the 1st day of August to the 25th December 1826.

| As whose Property Registered. | Sum Paid for Freedom, or on what account Manumitted. | By whom the Sum was Paid. | Remarks. |
|---|--|---------------------------|---|
| G. E. I. v. Reede v. Oudtshoorn. | £26 5s. | Unknown . . | Delivered same date to G. Reitz. |
| W. F. v. Reede v. Oudtshoorn. | £187 10s. | Himself . . | Delivered same date to himself. |
| { Estate of late W. } { Fiford. } | £129 | Unknown . . | { Delivered on the 9th Aug. to Phi- lida (1st). } |
| { Estate of late P. } { Eksteen, sen. } | £60 | Unknown . . | { Delivered same date to J. Osmond, jun. } |
| C. F. Reinhardt and M. J. Smit. | £30 | Thomas Johnson | Delivered on the 11th Aug. to said Johnson. |
| J. H. Visser . | £27 7s. 6d. | Himself . . | Delivered on the 12th Aug. to him- self. |
| C. Caldwell & J. Philip. | £120 | Unknown . . | Not yet applied for. |
| — | — | — | Delivered the 16th August to himself. |
| { Estate of the late } { widow W. Herold } | { By will, and in compliance with a sentence of the Court of Justice. } | — | Delivered the 16th August to herself. |
| — | — | — | Delivered the 17th August to himself. |
| — | — | — | { Delivered the 16th August to their mother Martje(1st) |
| { The free black } { François van } | £75 | Said François . | { Delivered same date to F. van Mau- ritius. } |
| J. H. Gnade . | £200 | Unknown . . | { Delivered on the 6th Sept. to Betje |
| Widow M. H. le Roex. | £22 10s. | Unknown . . | { Delivered on the 24th Aug. to him- self. } |
| P. J. Truter, jun. Esq. | £22 10s. | Free woman The- resia. | Not yet applied for. |

[Appendix]

Return of Slaves Manumitted before the Registrar and Guardian

| Number since the Operation of the Ordinance No 19 | Progressive Number. | Date of Manu- mission | Name of the Slave | Sex. | Age or Date of Birth. |
|---|------------------------|-----------------------------|-------------------|--------|-----------------------|
| 1826. | | | | | |
| 1 | 469 | Aug 3 | Japie . . . | Male . | Born 11th December 18 |
| 2 | 470 | " 4 | Salie . . . | " | About 33 years . |
| 3 | 471 | " " | 1 Philida . . . | Female | " 28½ ditto. . |
| 4 | 472 | " " | 2 Philida . . . | " | Born 30th June 1817 |
| 5 | 473 | " 8 | 1 Christina . . . | " | About 30½ years . |
| 6 | 474 | " " | Ica . . . | " | " 11 " . |
| 7 | 475 | " " | Willem . . . | Male . | Born 19th May 1817 |
| 8 | 476 | " " | Andries . . . | " | " 17th September 1 |
| 9 | 477 | " " | 2 Christina . . . | Female | " 29th January 182 |
| 10 | 478 | " 10 | Christiaan . . . | Male . | About 50½ years . |
| 11 | 479 | " 11 | Present . . . | " | " 49 " |
| 12 | 480 | " 12 | Jennie . . . | Female | " 16 " |
| 13 | 481 | " 15 | Marthinus . . . | Male . | " 45½ " |
| 14 | 482 | " " | 1 Martje . . . | Female | " 41½ " |
| 15 | 483 | " " | Fredrik . . . | Male . | " 19½ |
| 16 | 484 | " " | Sellie . . . | Female | " 17 |
| 17 | 485 | " " | Philida . . . | " | " 1' |
| 18 | 486 | " " | 2 Martje . . . | " | Born 1' |
| 19 | 487 | " 17 | Manon . . . | " | About |
| 20 | 488 | " " | Jagenotte . . . | " | " |
| 21 | 489 | " 18 | Betje . . . | " | |
| 22 | 490 | " " | Hanna . . . | " | |
| 23 | 491 | " 21 | Alie . . . | Male . | |
| 24 | 492 | " 22 | James . . . | " | |

[Appendix F, No. 1.]—

| Number since the Operation of the Ordinance No. 19. | Progressive Number. | Date of Manu- mission. | Name of the Slave. | Sex. | Age or Date of Birth. |
|---|------------------------|------------------------------|----------------------------------|--------|------------------------------------|
| 25 | 493 | 1826. Aug. 24 | Fredrik . . . | Male . | About 34 $\frac{2}{3}$ years . . . |
| 26 | 494 | „ 29 | Jadpor Jacob . . . | „ . | „ 61 $\frac{1}{2}$ „ . . . |
| 27 | 495 | „ 30 | Georginia . . . | Female | Born 30th June 1821 . . . |
| 28 | 496 | „ „ | Dampie . . . | Male . | About 53 $\frac{1}{4}$ years . . . |
| 29 | 497 | „ „ | Flora . . . | Female | „ 54 $\frac{3}{4}$ „ . . . |
| 30 | 498 | „ „ | 2 Clara . . . | „ | Born 26th July 1816 . . . |
| 31 | 499 | „ „ | Louisa . . . | „ | „ 7th February 1818. . . |
| 32 | 500 | „ „ | Elizabeth Catharina Francina. | „ | „ 9th October 1823 . . . |
| 33 | 501 | „ 31 | Spasie . . . | „ | About 12 $\frac{3}{4}$ years . . . |
| 34 | 502 | Sept. 1 | James . . . | Male . | Born 20th October 1823 . . . |
| 35 | 503 | „ „ | Louisa . . . | Female | About 26 years . . . |
| 36 | 504 | „ „ | Sabina . . . | „ | „ 59 $\frac{1}{4}$ „ . . . |
| 37 | 505 | „ 6 | Jacob . . . | Male . | „ 59 $\frac{1}{4}$ „ . . . |
| 38 | 506 | „ 21 | Pedro . . . | „ . | „ 55 $\frac{1}{3}$ „ . . . |
| 39 | 507 | „ 28 | William . . . | „ . | Born 13th September 1823 . . . |
| 40 | 508 | „ „ | Bolivar . . . | „ . | „ 29th August 1826 . . . |
| 41 | 509 | Oct. 5 | Diana . . . | Female | About 46 $\frac{1}{3}$ years . . . |
| 42 | 510 | „ „ | Lena . . . | „ | do 27 $\frac{1}{2}$ „ . . . |
| 43 | 511 | „ „ | Rosie . . . | „ | Born 18th March 1819 . . . |
| 44 | 512 | Nov. 8 | Marie . . . | „ | Born 17th April 1821 . . . |

Return of Slaves—continued.

| As whose Property Registered. | Sum Paid for Freedom, or on what account Manumitted. | By whom the Sum was Paid. | Remarks. |
|--|--|---|---|
| Hendrik Heegers . | £38 2s. and in compliance with a sentence of the Court of Justice. | Said Fredrik . | Delivered same date to himself. |
| Arend Brink, A son | £165 and in compliance with a sentence of the Court of Justice. | Himself . | Delivered same date to himself. |
| Estate of late J. W. L. Gebhard. | By will . . . | — | Delivered the 31st Aug. to the emancipated Slave Sophia. |
| Do. . . } | £45 | { Their daughter, the emancipated Slave Sophia. | Do. |
| Do. . . } | £150 | { Their mother, the emancipated Slave Sophia. | Do. |
| Do. . . | £24 19s. 6d. | Her mother, the emancipated Slave Clara (1st). | Delivered the 31st Aug. to the emancipated Slave Clara (1st). |
| Estate of the late widow Jan. Adn. van Schoor. | By free gift of the heirs of said estate. | — | Not yet applied for. |
| Widow J. A. van Schoor. | By free gift . | — | Not yet applied for. |
| The free black Jack of Ceylon. | £21 15s. | Unknown . . | Delivered same date to herself. |
| D. J. Aspeling, sen. | By free gift . | — | Not yet applied for. |
| The free black Abdul Ganie of Ambon. | £75 | Himself . . | Delivered on the 22nd Sept. to himself. |
| L. B. Meurant . | Free gift . . | — | { Delivered 7th Oct. to said Meurant. |
| { Estate of late M. Fichy. | By will . . | — | Not yet applied for. |
| J. C. Dreyer . | £22 10s. | Her father, the free black Tom. | Delivered 9th Nov. to C. D'Escury, Esq. |

[Appendix F, No. 1.]—

| Number since the Operation of the Ordinance No. 19. | Progressive Number. | Date of Manu- mission. | Name of the Slave. | Sex. | Age or Date of Birth. |
|---|------------------------|------------------------------|--------------------|--------|------------------------------------|
| | | 1826. | | | |
| 45 | 513 | Nov. 14 | Andries . . . | Male . | About 16 $\frac{1}{2}$ years . . . |
| 46 | 514 | " " | Willem . . . | " . | " 10 $\frac{3}{4}$ " . . . |
| 47 | 515 | " " | George . . . | " . | " 11 $\frac{1}{2}$ " . . . |
| 48 | 516 | " " | Rompie . . . | Female | " 24 $\frac{3}{4}$ " . . . |
| 49 | 517 | " " | Leentje . . . | " | " 12 $\frac{3}{4}$ " . . . |
| 50 | 518 | " " | Letje . . . | " | " 12 $\frac{3}{4}$ " . . . |
| 51 | 519 | " " | Charles . . . | Male . | Born 23rd July 1818 . . . |
| 52 | 520 | " " | Louisa . . . | Female | " 6th March 1821 . . . |
| 53 | 521 | " 20 | Carel . . . | Male . | About 40 years . . . |
| 54 | 522 | " 24 | Joemat . . . | " . | " 30 " . . . |
| 55 | 523 | " 30 | Eva . . . | Female | " 54 $\frac{1}{2}$ " . . . |
| 56 | 524 | Dec. 1 | Justina . . . | " | Born 16th May 1819 . . . |
| 57 | 525 | " 4 | Soebo . . . | Male . | About 40 $\frac{1}{2}$ years . . . |
| 58 | 526 | " 8 | Cicero . . . | " . | " 60 $\frac{1}{2}$ " . . . |
| 59 | 527 | " 12 | Alida . . . | Female | " 17 $\frac{1}{2}$ " . . . |
| 60 | 528 | " " | James . . . | Male . | " 17 $\frac{1}{2}$ " . . . |
| 61 | 529 | " " | Mary Ann . . . | Female | " 13 $\frac{1}{2}$ " . . . |
| 62 | 530 | " 22 | Jason . . . | Male . | " 60 $\frac{1}{2}$ " . . . |
| 63 | 531 | " 23 | 2 Jacob . . . | " . | Born 26th September 1819 |

REGISTRAR AND GUARDIAN OF SLAVES OFFICE, CAPE TOWN,
CAPE OF GOOD HOPE, 27th December 1826.

Return of Slaves—continued.

| As whose Property Registered. | Sum Paid for Freedom, or on what account Manumitted. | By whom the Sum was Paid. | Remarks. |
|---|--|---|--|
| { Estate of the late J. F. Binder . } | By will . . . | — | Not yet applied for. |
| Stephen Twycross | £150 | Himself . . . | Delivered 21st Nov. to said Twycross. |
| The free woman, Selvia, of the Cape . . . | By free gift . . . | — | Delivered 13th Dec. to P. Auret. |
| Estate of the late E. F. Schrader . | By will . . . | — | Delivered 11th Dec. to herself. |
| Edward Durham | By free gift . . . | — | Not yet applied for. |
| Isaac Lesar . . . | In compliance with the condition under which he was transferred to said Lesar. | — | Delivered 5th Dec. to himself. |
| Baatjoe van Ba- tavia . . . | £7 10s. | The free woman, Rosie van Bougies . . . | Delivered 9th Dec. to himself. |
| J. D. Piton . . . | By free gift, and at her own request, on condition that she is to serve said Piton and his wife during their lives | — | Delivered 12th Dec. to herself. |
| Do. | By free gift . . . | — | Delivered 12th Dec. to himself. |
| Do. | Do. | — | Delivered 12th Dec. to herself. |
| J. F. Rynhoud . | Reward for service | — | Delivered to him- self 27th Dec. |
| Wid. J. C. Truter . | £9 | His father, a free black | Not yet applied for. |

G. J. ROGERS,
Registrar and Guardian of Slaves.

[Appendix

*Return of Slaves Manumitted before the Assistant Registrars and
1826 up to the latest period for*

| Number of Manumissions. | Where Manumitted. | Date of Manumission. | Name of the Slave. | Sex. | Age or Date of Birth. |
|----------------------------|-------------------|-------------------------|-----------------------|--------|-----------------------|
| | | 1826. | | | |
| 1 | Stellenbosch . | Sept. 16 | Dirk . | Male . | About 41½ years . |
| 2 | Do. . . | „ 18 | Apollos . | „ . | „ 62 „ . |
| 3 | Do. . . | „ „ | Sabina . | Female | „ 45 „ . |
| 4 | Do. . . | „ „ | Africa . | Male . | „ 37 „ . |
| 5 | Do. . . | „ „ | Sanna . | Female | „ 62 „ . |
| 6 | Graaff Reinet . | „ 25 | Cepher . | Male . | „ 57 „ . |
| 7 | Do. . . | „ „ | David . | „ . | „ 20 „ . |
| 8 | Do. . . | „ „ | Spatie . | Female | „ 38 „ . |
| 9 | Do. . . | Nov. 13 | Eva . | „ | „ 36½ „ . |
| 10 | Worcester . | Sept. 6 | Sarah . | „ | „ 26½ „ . |
| 11 | Swellendam . | Aug. 25 | Louisa . | „ | „ 19½ „ . |
| 12 | Uitenhage . | Oct. 2 | 1 Felix . | Male . | „ 70½ „ . |
| 13 | Do. . . | „ „ | Rebekka . | Female | „ 68½ „ . |

REGISTRAR AND GUARDIAN OF SLAVES OFFICE, CAPE TOWN,
CAPE OF GOOD HOPE, 27th December 1826.

F, No. 2.]

*Guardians in the Country Districts, from the 1st day of August
which Reports have been received.*

| As whose Property Registered. | Sum Paid for Freedom, or on what Account Manumitted. | By whom the Sum was Paid. | Remarks. |
|--|--|--------------------------------|-------------------------------|
| { Estate of the late } { H. L. Bletterman } | — | — | No particulars re- ceived. |
| { Estate of the late } { Pieter Lans . } | — | — | |
| B. I. Vlotman . | — | — | |
| B. G. Liebenberg . | By free gift. | — | — |
| C. F. Scholtze . | For good conduct. | — | — |
| Estate of the late S. J. Buys . | — | — | No particulars re- ceived. |
| J. G. Lotter . | { Faithful services, and the sum of 15 shillings ster- ling . . . } | { Said Felix and Rebekka. } | — |

G. J. ROGERS,
Registrar and Guardian of Slaves.

[Appendix F, No. 3.]

Return of Slaves which have been erased from the Registrars between the 1st day of August and the 25th December 1826, in compliance with Resolutions of the Court of Justice.

| No. | Name of the Slave. | Sex. | Age. | As whose Property Registered. | Date of Resolution. | Date on which the Registry was cancelled. | Grounds on which the Sentence was given. | Remarks. |
|-----|--------------------|--------|-----------------|---|---------------------|---|---|---|
| 1. | Rosie . | Female | About 56½ years | {The free black Lendor of the Cape . . .} | 1826 : July 20 | 1826 : Aug. 29 | {Not stated in the ex- tract resolution. | {These sentences hav- ing been given before the operation of the Ordi- nance No. 19, the Guar- dian was not present at any of the proceedings, and the registry has been cancelled upon the authority of extracts produced by the parties themselves. |
| 2. | Cleton . | Male . | 12½ ditto | {Estate of the late Hendrina Jansson .} | 1824 : Mar. 18 | Sept. 29 | {In consequence of the heir to said estate having failed to com- ply with a testamen- tary disposition made by the said H. Jans- son in favour of the female Slave Petro- nella, mother of said Cleton. | |

G. J. ROGERS,
Reg. and Guardian of Slaves.

REGISTRAR AND GUARDIAN OF SLAVES OFFICE, CAPE TOWN,
CAPE OF GOOD HOPE, 27th December 1826.

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 13th January 1827.

SIR,—With reference to the subject of the letters which I had the honor of addressing to you on the 7th and 9th instant, I now beg leave to enclose to you a document which I have received from His Majesty's Fiscal containing the last declaration that was made by Daniel Lee relative to the posting of the placard which reflected most grossly upon the honor of Governor Lord Charles Somerset, and of which mention is made in the report of my colleague and myself on the case of Bishop Burnett.

In reply to an inquiry addressed by me to His Majesty's Fiscal whether he ever produced these declarations of Daniel Lee, he states to me that it is his constant practice to submit the information that he receives and upon which he founds his request for the judicial examination of witnesses to the Commissioned Member of the Court of Justice, but that such information is not judicially recorded, and he therefore thinks that he must have communicated the contents of the two declarations of Daniel Lee of the 6th and 7th June to Mr. Bentinck, the Sitting Commissioner of the Court who took the preparatory informations, and that he must also have submitted the declarations to Mr. Hiddingh, the Senior Member of the Court, to whom he applied for the assistance of two Commissioned Members in the execution of the search warrant.

In observing upon the authority and duties of the Fiscal in our general report we shall notice this as well as other branches of it, but it certainly does not appear that his applications to the Governor for authority to enter and search the house of an individual above the rank of Burgher should be accompanied with documents proving the grounds upon which he proceeds. The application for the Governor's fiat is intended as a check upon the power of the Fiscal, but it must be admitted to be ineffective if it is not accompanied by *primâ facie* evidence at least of the circumstances that call for its exercise.

I have &c.

(Signed) JOHN THOMAS BIGGE.

XXX.

H

[Appendix F, No. 3.]

Return of Slaves which have been erased from the Registrars between the 1st day of August and the 25th December 1826, in compliance with Resolutions of the Court of Justice.

| No. | Name of the Slave. | Sex. | Age. | As whose Property Registered. | Date of Resolution. | Date on which the Registry was cancelled. | Grounds on which the Sentence was given. | Remarks. |
|-----|--------------------|--------|-----------------|---|---------------------|---|---|--|
| 1. | Rosie . | Female | About 56½ years | { The free black } { Lendor of the } { Cape . . . } | 1826 : July 20 | 1826 : Aug. 29 | { Not stated in the ex- } { tract resolution. } | { These sentences hav- } { ing been given before the } { operation of the Ordi- } { nance No. 19, the Guar- } { dian was not present at } { any of the proceedings, } { and the registry has } { been cancelled upon the } { authority of extracts } { produced by the parties } { themselves. } |
| 2. | Cleton . | Male . | 12½ ditto | { Estate of the } { late Hendrina } { Jansson . } | 1824 : Mar. 18 | Sept. 29 | { In consequence of } { the heir to said estate } { having failed to com- } { ply with a testamen- } { tary disposition made } { by the said H. Jans- } { son in favour of the } { female Slave Petro- } { nella, mother of said } { Cleton. } | |

G. J. ROGERS,
Reg. and Guardian of Slaves.

REGISTRAR AND GUARDIAN OF SLAVES OFFICE, CAPE TOWN,
CAPE OF GOOD HOPE, 27th December 1826.

[Original.]

Letter from JOHN THOMAS BIGGEL, ESQRE., to R. W. HAY, ESQRE.

Cape of Good Hope, 13th January 1847.

SIR.—With reference to the subject of the letters which I had the honor of addressing to you on the 7th and 9th instant, I now beg leave to enclose to you a document which I have received from His Majesty's Fiscal containing the last declaration that was made by Daniel Lee relative to the posting of the placard which reflected most grossly upon the honor of Governor Lord Charles Somerset, and of which mention is made in the report of my colleague and myself on the case of Bishop Burnett.

In reply to an inquiry addressed by me to His Majesty's Fiscal whether he ever produced these declarations of Daniel Lee, he states to me that it is his constant practice to submit the information that he receives and upon which he founds his request for the judicial examination of witnesses to the Commissioned Member of the Court of Justice, but that such information is not judicially recorded, and he therefore thinks that he must have communicated the contents of the two declarations of Daniel Lee of the 6th and 7th June to Mr. Bentinck, the Sitting Commissioner of the Court who took the preparatory informations, and that he must also have submitted the declarations to Mr. Hiddingh, the Senior Member of the Court, to whom he applied for the assistance of two Commissioned Members in the execution of the search warrant.

In observing upon the authority and duties of the Fiscal in our general report we shall notice this as well as other branches of it, but it certainly does not appear that his applications to the Governor for authority to enter and search the house of an individual above the rank of Burgher should be accompanied with documents proving the grounds upon which he proceeds. The application for the Governor's fiat is intended as a check upon the power of the Fiscal, but it must be admitted to be ineffective if it is not accompanied by *prima facie* evidence at least of the circumstances that call for its exercise.

I have &c.

(Signed) JOHN THOMAS BIGGEL

[Enclosure in the above.]

7th June 1824.

Daniel Lee being again examined, and impunity in case he be not the principal offender being offered him according to the proclamation of 1st instant, states that the authors of the writing are Bishop Burnett, his own master, and Charles Greig; they are (he says) the three concerned in the writing, it is about Doctor Barry and the Governor. They would not lead me in all the secrets and so I only know of it by having been employed by the authors as their messenger. They promised to clear me of the passage money due to Mr. Ingram and they also promised to keep me in good clothing &c.

A true copy.

(Signed) D. DENYSSEN, Fiscal.

[Original.]

Letter from the REVEREND JAMES EDGAR *to* R. W. HAY, ESQRE.

GLASGOW, 13th January 1827.

SIR,—I enclose my certificate of license as a Preacher of the church of Scotland, agreeably to instructions received in answer to an application formerly made for one of the churches at the Cape of Good Hope. I refer you to the communications of the Revd. Mr. Murray of Aberdeen to Earl Bathurst. The enclosed certificate is such as is usually given in the interval between meetings of Presbytery. I here subscribe my address, and your answer will oblige, Sir, &c.

(Signed) JAMES EDGAR.

[Original.]

Letter from the REVEREND JAMES BENTLEY *to*
R. W. HAY, ESQRE.

ABERDEEN, 13th January 1827.

SIR,—In consequence of a letter from you to the Revd. Dr. Manuel, which he received on the 1st or 2nd instant, he wrote to the Revd. I. Murray of this place, giving an extract from your letter, and afterwards detailing the allowances made to Ministers appointed for the Colony of the Cape of Good Hope, and what is required of them in consequence of those allowances. As Mr. Murray was from home when Dr. Manuel's letter reached Aberdeen, and as Dr. Manuel referred to me, his letter was brought to me. On this I wrote to Dr. Dewar, of Glasgow, who had joined in recommending Mr. Edgar and Mr. Turner for situations in the Colony, to enquire further respecting those two gentlemen. Mr. Murray being still from home, and I having joined in the recommendation of Mr. Edgar and Mr. Turner mentioned in your letter to Dr. Manuel, I beg leave now to inform you that Mr. Edgar is the one of the two candidates, for whom Mr. Murray and the Ministers and Professors who joined in the recommendation and testimonials sent to Earl Bathurst would now solicit the official nomination and appointment to become in time one of the Ministers of the Presbyterian Church of the Colony of the Cape of Good Hope.

As directed by Dr. Manuel, Mr. Edgar has transmitted to you an Extract of his Licence to the sacred Ministry in the Established Church of Scotland, and when you are so good as to send either to Mr. Edgar, Mr. Murray or me, such a *Presentation* or document of appointment to a charge in the Colony as will satisfy the Presbytery, that body will proceed to ordain him, when he will be ready to go to Holland to acquire the Dutch Language, and will conform himself to whatever else is required. We were, previously to Dr. Manuel's writing, acquainted with all the steps necessary on the part of Candidates for situations referred to, and on the part of their friends, and hope that the proceedings thus far will be deemed regular and

satisfactory, and that in due time Mr. Edgar will find himself authorized to proceed in the remaining steps and preparations.

I have &c.

(Signed) JAMES BENTLEY.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *January 15th* 1827.

MY LORD,—Referring to the despatch I had the honor of addressing to your Lordship on the 16th ultimo upon the subject of the Petition from the Inhabitants of this Colony to the Honorable the House of Commons, I think it may be right further to explain to your Lordship in what manner the Petitioners support their assertion that “the Colonial duty on Wine amounts to about 30 per cent of its immediate price previous to its exportation.” They calculate in addition to the inland duties gauging and wharfage, which as I have stated to your Lordship amount altogether to about three farthings per gallon, the duties on Pipe Staves and Casks at $3\frac{1}{4}$ per cent, that on foreign brandies at ten per cent ad valorem, which Spirits they state necessarily enter into the composition of the Wines for exportation, and the cost of the License which every Wine Merchant takes out annually amounting to £19 6 3, but which enables him to deal in Wine for internal consumption as well as exportation, and to many of the Merchants the former is the most profitable business. I am also informed that the brandy mixed with the Wine is frequently the growth of this country, and some of the best sorts of Wine are thought not to require a mixture of Spirits. These several charges however they make to amount to 19s. $3\frac{1}{4}d.$ per leaguer of 152 gallons, which quantity of wine is now selling for about £3 sterling. I annex a statement of the charges as furnished by one of the Petitioners.

I have thought it right to supply this information in addition to that contained in my former despatch, as the subject may

be discussed in Parliament. Copies of the Petition are now circulating thro' the Country Districts for signatures.

I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

Statement of duties on one leaguer of Wine as set forth in Petition.

| | s. | d. |
|---|-------|-----|
| Inland duties and gauging. | 7 | 6 |
| Wharfage | 1 | 6 |
| Duties on Casks and French brandy | 4 | 10½ |
| Proportion of Licence | 5 | 5¼ |
| | <hr/> | |
| | 19 | 3¾ |

[Original.]

Letter from MR. JAMES THOMAS ERITH to R. W. HAY, ESQRE.

17 KENNINGTON LANE, LAMBETH, *January 15th 1827.*

SIR,—Having heard that the Report of His Majesty's Commissioners of Enquiry has arrived, and as that report no doubt is of a favourable nature respecting my case, I have therefore taken the liberty to respectfully solicit Mr. Hay will have the goodness to lay my request before Earl Bathurst, viz. that His Lordship will take my losses into his most serious consideration, and grant me such remuneration as His Lordship's wisdom shall deem expedient, to enable me to provide for my rising family. I have &c.

(Signed) JAMES THOMAS ERITH.

[Original.]

Letter from J. C. HERRIES, ESQRE., to R. W. HAY, ESQRE.

TREASURY CHAMBERS, *17th January 1827.*

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 16th ultimo enclosing copies of documents received from the Lieutenant Governor of

the Cape of Good Hope relative to the mode of making temporary advances from the Colonial Treasury and Pay Office before the Warrants of the Governor by which the Disbursement is to be finally authorised can be procured, I have it in command from their Lordships to acquaint you, for the Information of Earl Bathurst, that a general Regulation in regard to the practice of making advances to be afterwards accounted for would have been proposed some time since, had not the alteration been contemplated in the system of accounting for the Colonial Revenues which has been provided for in the Instructions for the guidance of the several officers concerned in the Receipt and Expenditure of the Revenues of the Cape of Good Hope transmitted to his Lordship on the 21st ultimo.

In these Instructions advances from the Treasury to the Colonial Paymaster have not been adverted to, as the Union of these Departments under one Head appears to be indispensable to the carrying the Plan on which they are formed into effect. But provision is made for regulating the mode of making and accounting for all other temporary advances for the Public Service, whether to the Paymasters of the Colonial Corps, or otherwise. By these Instructions it is provided that these advances as well as all other issues of the Public money should only be made under regular Warrants from the Governor, and although in some instances temporary advances may be absolutely requisite, My Lords are of opinion that they should not be made for Public Works and services of that description, except in cases where the want of such partial anticipation of payment may prevent the service in progress being duly executed. I am Sir &c.

(Signed) J. C. HERRIES.

[Copy.]

Letter from MR. ISAAC STROMBOM to VISCOUNT MELVILLE.

No. 65 OLD BROAD STREET, 17th January 1827.

MY LORD,—Having taken the liberty of addressing the Right Honorable the Earl Bathurst as His Majesty's Principal Secretary of State for the Colonies, (as also the Right Honorable

the Lords Commissioners of His Majesty's Treasury about the Cape Currency) regarding several essential services rendered His Majesty's Government while residing at the Cape of Good Hope, but as the principal ones not only occurred and were connected with His Majesty's Naval Department, but also during the life time and administration of your Lordship's deceased noble father when Mr. Dundas, whose approbation of my conduct, as well as that of the then Prime Minister the late Mr. Pitt, was at the time *during such a revolutionary Period*, the highest encomium I conceive any person could have wished for, and ever will be in my remembrance felt with the greatest gratification, as coming from the two greatest Ministers of the age, and for whom (though in a foreign Colony) I ever felt the greatest reverence.

Having rested in the almost daily expectation, that the Right Honorable the Lords Commissioners of His Majesty's Treasury would in consequence of a statement of the 2nd June 1825, which Mr. Secretary Hay by letter of the 28th July, by direction of Earl Bathurst informed me, that notwithstanding the decision of the Lords Commissioners of His Majesty's Treasury had already come to with respect to my case his Lordship had directed that the additional statement should be forwarded for their Lordships' consideration, and while I supposed that the Honorable the Lords Commissioners had delayed and partly been withheld from coming to a definitive determination regarding my case, owing to the late unfortunate financial and commercial depression, having abstained from addressing your Lordship, but on again addressing the Earl Bathurst a recapitulation with some additional remarks of my services, and the loss suffered thereby, as well as by the depreciation and reduction of the value of the Government Paper Currency at the Cape of Good Hope, under 16th November, having by letter from Mr. Secretary Hay, been informed by direction of Earl Bathurst, that *his Lordship having already in the fullest manner submitted to the consideration of the Lords Commissioners of His Majesty's Treasury my claim for indemnification of losses which I alledged to have sustained it was not in his Lordship's power to take any further steps in regard to my case.*

Permit me therefore, my Lord, for fear of the Right Honor-

able the Lords of His Majesty's Treasury should still hesitate or withhold granting me at least such moderate compensation I humbly conceive both honor and justice would dictate (deserving by me,) to submit first to your Lordship's consideration both as the actual first Lord of His Majesty's Admiralty and as successor to your Lordship's deceased noble father, a specification of the several essential services which I rendered the Squadron under the command of the Vice Admiral Sir George Keith Elphinstone, *before, at, and after the taking the Cape of Good Hope in 1795 and 6*, the value of which, I have no doubt your Lordship is fully aware of ; besides which I beg also to submit to your Lordship's notice several other services which I rendered, and in particular a loss of £3500 and upwards, by a vessel the *Eliza* sent at the special request of Sir George Keith Elphinstone (though more on account of his civil capacity than as Admiral, as also having held a separate Commission or order from His Majesty's Secretary of State) and *under the strongest assurances that the duties on the wines and spirits and other Cape products should on coming to England be reduced according to His Majesty's West India Colonies*, and on which subject I was also told he had wrote to His Majesty's then Secretary of State, but as I was informed that the duties could not be reduced without an Act of Parliament which His Majesty's Ministers at that period did not think prudent to agitate, and the amount of the consequent loss *not known to me till some years after*, when by several concurring circumstances, not under my control, having been prevented from making any claim or representation to His Majesty's Government until, and as fully mentioned in my several representations to the Right Honorable the Earl Bathurst, and the several facts of the services rendered not only for the greatest part are generally known, and upon the strictest scrutiny I am confident will be found correct, but also I trust sufficiently corroborated by several circumstantial, if not direct evidences, as per abstract of and different original letters and other documents, and that I never received, or even claimed, any recompense before, either for the services I rendered or losses suffered in forwarding His Majesty's Service, but on the contrary the latter been considerably aggravated, and myself totally ruined, and even my children reduced almost

to beggary, or at least $\frac{3}{4}$ ds of their property through an act or acts regarding the Cape Currency by a most unexpected depreciation, and final reduction of the value of its notes from 4s. to 1s. 6d. each, of the same Government, in whose service I repeatedly *in the most disinterested manner* endangered my life and property!

And as the abstract from Dr. Hugh Gillan's letter, will shew the kindly feeling of your Lordship's deceased noble father, as well as Mr. Pitt towards me, permit me also my Lord to humbly hope, your Lordship will in his and their stead, as their successor as well as near relative, interpose your Lordship's powerful support and kind recommendation with the Right Honorable the Lords of His Majesty's Treasury, for their early favorable consideration of my cause and granting me such compensation for the losses I suffered and gratuity for the services I have rendered, as they and your Lordship in its wisdom, Justice, and generosity may deem proper!

Trusting your Lordship, on account of the particular situation will excuse the liberty I have taken of troubling your Lordship with a subject so remote, I have &c.

(Signed) I. STROMBOM.

[Office Copy.]

Letter from EARL BATHURST *to* COUNT MUNSTER.

DOWNING STREET, 18 *January* 1827.

SIR,—I have the honor to acknowledge the receipt of your Excellency's letter of the 12th Instant, in which you express your desire that I would avail myself of the presence of Governor Lord Charles Somerset in England, in order to settle the long standing claim of the Reverend Mr. Hesse to some allowance for his passage from the Cape of Good Hope to Europe. As your Excellency has not adverted to the letter which I had the honor of writing to you upon this subject on the 22nd of February 1825, I beg leave to enclose a Copy of that Communication, by which you will perceive that in conformity with the assurances which I had conveyed to your

Excellency in my previous letter of the 10th June 1824, I did not fail to consult Lord Charles Somerset respecting the amount of the passage money which might be allowed to the Reverend Mr. Hesse, but that for the reasons assigned by His Lordship, I am induced to agree with him in opinion that Mr. Hesse is not entitled to any compensation for the expense of his Passage to Europe. I have &c.

(Signed) BATHURST.

[Original.]

Letter from MAJOR W. M. G. COLEBROOKE to EARL BATHURST.

PORT LOUIS, MAURITIUS, *January 18th 1827.*

MY LORD,—Having received from Mr. Bigge by the *Susanna*, which arrived on the 13th Inst. from the Cape, a copy of the correspondence which had passed in consequence of a reference to Lord Charles Somerset of our dispatch of the 5th of October 1825 relative to the Slave Tax, I take the earliest opportunity of expressing to your Lordship my great regret that it should have devolved on Mr. Bigge to sustain alone the effect of the censure which your Lordship had been induced to communicate to us in a dispatch to General Bourke, the measure which had called it forth being one for which we were jointly responsible.

Having fully considered the explanations which Mr. Bigge has addressed to your Lordship in his letter of the 24th of November 1826, it only remains for me respectfully to assure your Lordship of the coincidence of my own feelings with those of Mr. Bigge on this distressing occasion, and to express a confident hope that on a full consideration of the subject, upon which we had subsequently transmitted such ample details, our conduct will not have been viewed by your Lordship in the unfavourable light in which it appears to have been considered on the receipt of Lord Charles Somerset's communication of the 17th of June 1826. The deliberations of the Lieutenant Governor in Council, pursuant to your Lordship's instructions, not having been matured at the date of Mr. Bigge's communication, I am unable to anticipate the conclusions at which they may arrive upon the points submitted

to them, but as the subject is one of great public interest, and as the resolutions of the Council will exclude the consideration of the various arrangements with which the proposed assessment of a Slave Tax was connected by us, I am induced to submit to your Lordship a few observations which have occurred to me on a perusal of these papers and on a reconsideration of the grounds of the measures which we have had the honor to recommend.

It will probably be in the recollection of your Lordship that the draft of an order of His Majesty in Council for Trinidad, which was transmitted for the consideration of the Governor in Council at the Cape, was not officially communicated to us, nor was any invitation given to us at any time by the Governor in Council to consult with them in framing the modifications which were required to adapt it to the local circumstances of the Cape, no communication was made to us by the Governor in Council upon any of the changes that were proposed in the Trinidad Order, and altho' we entertained objections to some of the provisions, and especially to that which united the Offices of Registrar and Guardian of Slaves, the very cursory perusal that we obtained of the amended order, after it had been drawn out and was on the point of being transmitted to your Lordship, afforded us only time to anticipate the effect of a clause which if confirmed by His Majesty would have defeated the eventual assessment of a tax on which we relied to obviate the heavy charge which we apprehended would devolve upon His Majesty's Treasury. That this apprehension was not groundless may be inferred from the observation which it occurred to Lord Charles Somerset to make at a subsequent period on the effect of that clause, and which will be found in the correspondence that accompanied our General Report. It is necessary that this circumstance should be clearly explained, to account to your Lordship for the transmission of our Despatch of the 5th of October 1825, in anticipation of the result of that correspondence which we had already commenced with Lord Charles Somerset, and which led to the concurrence of His Lordship in the expediency of the measure we had proposed of assessing a tax upon slaves.

As the sole object of our early communication to your Lordship was to arrest the clause in question, until the general

arrangements could be matured, the same consideration induced us at a subsequent period to concur with the Lieutenant Governor in the expediency of postponing the measure of imposing the Slave Tax, and the result of our correspondence with the Lieutenant Governor, as your Lordship is already aware, was an acquiescence on our part in the proposed reduction of that tax to ten shillings, in consideration of the distress of the Colony.

After bestowing much reflection on the arrangements which were comprehended in our general report upon the finances of the Cape, it has been a subject of great concern to us that we should not have been able to suggest any present means of obviating the deficiency in the revenues of the Colony in providing for its establishments on an efficient scale. The reductions which are at present proposed, added to those which may be expected to result from the settled tranquillity of the Frontier, will still be insufficient to reduce the expenditure of the Colony within the limits of its revenues, and with every disposition to relieve the distresses of the Colonists, it was assuredly an object of primary interest with us (and especially at a period of such general distress in England) to reduce the amount of that charge which must be added to the burthen already imposed on the British Treasury by the redemption of the paper currency. A Slave tax moreover made a part only of the personal taxes which we proposed to retain and to assess more equitably throughout the Colony, and assuredly was not the least just of those personal taxes, from the circumstance of being imposed upon the owners of slaves, Lord Charles Somerset having declared the slaves to be "almost the only valuable property of the Colonists" &c.

From the system of taxation adopted at the Cape, it certainly appeared that the more opulent classes of the Community had been exempted from their due share of the public burthens.

With the ample information since afforded to your Lordship, these observations may hardly be necessary to meet the imputation of Lord Charles Somerset that our proposal originated in mere "theory," and possibly to determine the question "whether a tax on slaves should be imposed at all," but on the second point which has been submitted to the consideration of the Council, respecting the modifications of

such a tax if approved, some further explanations may be necessary, on account of the importance of the measures which may depend on these discussions.

In Lord Charles Somerset's Letter to us of the 23rd of February 1826, he admitted the fairness of the Slave Tax, as imposed on "the great proprietors of Slaves," but considered that it would fall heavily on those Colonists who had only one or two slaves to enable them to keep up their farms. The objection that may be urged to this exemption consists in the inexpediency of encouraging the poor farmer at the Cape to remain, and his sons to become, the proprietors of slaves, a practice to which the indolence of many is to be ascribed, and which has tended to discourage industry in a manner that unfavorably contrasts their condition with that of the Colonists in Countries where they must depend on their own exertions.

If a tax should be imposed upon this class of farmers for their slaves, it is probable that the condition of the slaves would be improved by their transfer in many instances to more opulent proprietors, and the capital thus reacquired be employed by the others in improving the condition of their families, whose industry would at the same time be called forth.

In Lord Charles Somerset's letter of the 17th of June it is stated that "slaves constitute almost the only valuable property of the Colonists," and if such be the fact in a Colony which has been settled for so long a period, and in which such extensive concessions of land have been made, it may be reasonably urged that the value of their real property will be proportionably increased by encouraging the industry of the free colonists, and by which the wages of free labour, if really exorbitant, would at the same time be reduced. On this point however I am disposed to think that Lord Charles Somerset may have also laboured under some misapprehension. His Lordship has also stated that "free servants are only to be obtained at the Cape at exorbitant rates of wages and that the ordinary price of the best slave labourers does not exceed from 18 to 20 rixdollars (£1 7s. to £1 10s.) a month." On a reference I think it will be found that the corresponding rates of hire for the same description of labourers have in the instance of free labourers been comparatively low, and in support of this conclusion I may adduce the fact that Negro Apprentices

on the termination of their engagements have been known to hire their own services at rates far below the premiums paid for them to their former masters, and also that the Hottentots with few exceptions are known to be most inadequately remunerated for their services throughout the Colony. Whether any slave owner would consent to hire out his slave for one, two, or five rixdollars a month, the ordinary wages of a Hottentot, may readily be answered, but in estimating the ordinary rates of slave hire, His Lordship has omitted to advert to the demands that are made by a class of Slave Labourers in Cape Town who employ themselves as coolies or porters, and who are usually allowed to engage in this employment, paying to their masters on an average from one shilling and sixpence to two shillings a day, and often providing their own subsistence. Excepting in the harvest season it rarely happens that common labourers are more amply remunerated than the owners of these slaves, and as a tax of ten shillings has been recommended to be equally imposed on all male servants, whether freemen or slaves, the exemption proposed by us had only in view to favor the emancipation of female slaves, an object to which His Lordship at a former period had directed his attention.

As Lord Charles Somerset in his letter of the 17th of June has made a reference to the Slave Tax in this Colony, which he has stated to be fixed at four shillings a head, it may be proper to explain that the various assessments imposed on the inhabitants of Mauritius for their slaves amount in the aggregate to seven shillings a head in the town and environs, and vary from 5s. 2d. to 5s. 10d. in the Country, in addition to which your Lordship is aware that an export duty on the produce of the Country has till recently been levied; the export duties on Cape produce having been taken off by a Proclamation of Sir John Cradock of the 18th of December 1811. I would further observe that the Slave Taxes in this Colony are paid on every slave of whatever age or sex, and as one seventh of the Slave Population of Mauritius in 1825 was estimated to be of seven years of age and under, the equivalent assessment at Port Louis upon the productive slaves, between the ages of eight and sixty years, might reasonably be estimated at 8s. or 8s. 6d. sterling a head. The reduction proposed by us in the local assessments at the Cape must also render the charge for

the subsistence of the slaves much in favor of a Colony not dependent on imported supplies, and produce a saving to the inhabitants at least equivalent to the tax proposed.

I am not aware that it will be necessary to trouble your Lordship with any further remarks, excepting to observe that if an increase in the resources of the Colony should fail to be the result of measures calculated to encourage the industry of its inhabitants, the execution of the public works which we have recommended will offer a ready means of profitable employment for labouring slaves, and the improvement of the Colony would thus be advanced while the payment of the taxes would be facilitated. I have &c.

(Signed) WILLM. M. G. COLEBROOKE.

Letter from the ACTING AUDITOR GENERAL *to the* SECRETARY
TO GOVERNMENT.

AUDIT OFFICE, CAPE TOWN, 20th January 1827.

SIR,—With reference to my letter (No. 94) of the 20th October 1826, I have now the honor to state to you for the information of His Honor the Lieutenant Governor, that having casually learnt that certain sums derived from disposable profits of the Somerset Farm Establishment had been applied to the purchase or erection of buildings used for military purposes, I felt it my duty to search through the accounts of that Establishment, and found that an expenditure for buildings which are now transferred to the Ordnance Department has been incurred out of the funds of that Farm ; a statement of the same is herewith transmitted.

The omission of this charge in the account of sums expended out of the Colonial Revenues for military defences and buildings already handed to you with my said letter arose from the circumstance that it was not surmised by me that such an item could have been included in an account which was naturally supposed to contain the cash transactions of the Establishment only, and was therefore not referred to, and that this expenditure was not passed into the general account of the Colony. I have &c.

(Signed) WM. HAYWARD.

[Enclosure in the above.]

Statement of Sums expended out of the Funds of the Government Farm Establishment, Somerset, on account of Military Buildings, extracted from the account of Mr. R. Hart, Agent on the Farm.

| | Rds. | Sk. | st. |
|--|--------|-----|-----|
| 1819. | | | |
| Dec. 31. In the purchase of Premises and Buildings at Graham's Town for a Store | 15,000 | 0 | 0 |
| 1821 Transfer dues and fees thereon | 605 | 7 | 0 |
| to | | | |
| 1823 Repairs done to same | 5,029 | 5 | 2 |
| 1824. | | | |
| March 12 For building a store at the Cape Corps Barracks to | 6,116 | 6 | 0 |
| Sep. 21 | | | |
| Dec. 31. For building do. at do. | 6,505 | 0 | 0 |
| Total | 33,257 | 2 | 2 |

Equal in sterling at 1*s.* 6*d.* per Rd. to £2,494 6*s.*

Audit Office, Cape Town,
20th January 1827.

(Signed) WM. HAYWARD,
Acting Auditor.

[Original.]

Letter from SIR RICHARD PLASKET *to* R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 21st January 1827.

MY DEAR SIR,—By the Dispatches you have lately received from General Bourke you will see that he is of opinion it will be absolutely necessary to reduce our Establishment and the fixed salaries of the Civil Servants of this Government, in order to place the expenditure of the Colony on a par with its permanent revenues, and I believe His Majesty's Commissioners of Enquiry have recommended something of the same kind.

I have already stated to you my opinion that we cannot

expect to raise anything by additional taxation, and I fear that most of the principal branches of our present revenue are more likely to decrease than to increase.

I have also stated that tho' I think many offices may be entirely dispensed with, yet that the saving to be made by such reductions would be swallowed up in the increase which it is absolutely necessary to make to the inferior clerks in the several Departments of Government, who are very much underpaid at present.

Should the Home Government therefore determine that the Cape Corps be paid from the Colonial Treasury, as well as the new Judicial Establishment which we expect from England, I fully agree in opinion with the Lieutenant Governor that the Colony will not be able to pay its own expences without a considerable reduction in the fixed Establishment.

The Revenues at present barely pay the regular Establishment and fixed contingencies, leaving nothing whatever for extra contingent expences.

I have already given you my plan for a Civil Service and my opinion that the salaries of the higher officers who are kept up should not be curtailed, and I have done so upon general principles, because I am satisfied that where the fixed salaries are not liberal, other means of making money will be resorted to.

If we cannot afford to keep up a liberal establishment here, we had better go upon the old system of employing the more respectable part of the Dutch, who will be satisfied with small allowances and will do the work better than a set of needy adventurers who alone can be looked for in case of a general reduction of salaries here. The Cape is a very expensive place, I know it from experience, I could live better in Malta for £1,500 a year than I can do here on £3,000.

I do not think this Colony can stand in its present state without assistance from England for some few years to come. It never can be looked upon as anything but a half-way house betwixt India and England, and unless by the establishment of a breakwater, or by some other means we can induce the Company's and other vessels to touch here outward and homeward bound, we shall continue in our present state of difficulty and poverty.

I trust therefore that if one of two points be necessary, either to draw for a certain sum on England for some years to come, or to curtail the salaries of the public functionaries, that you will decide on the first.

I speak not for myself, I have already stated to you my opinion that my own salary is perhaps the only one that might be reduced without hardship ; on the contrary one of the principal objects I have in writing to you at present is to state how I am situated.

When Lord Bathurst was kind enough to offer me this situation, I told His Lordship that my health was very precarious and that I feared I was not strong enough for such an arduous office. Every day convinces me more and more that I never shall be well so long as I remain here, my complaint is a very weak stomach (occasioned by a long residence with ill health in India) which requires regular hours, regular meals, and regular exercise and quiet. These I never can be master of here, and I am naturally so extremely anxious and fidgetty about public business, that everything that goes wrong affects me, and I am consequently subject to constant and violent headaches which quite unhinge me, and really make me totally unfit for my duties.

I was so well aware of this when I left Malta that I begged Lord Bathurst to allow me to retire upon a moderate pension, having served there ten years, during seven of which I administered virtually tho' not ostensibly the Civil Government of the Island. His Lordship said he thought there would be a difficulty at that time in obtaining for me a pension, and he offered me this situation as one that would prove advantageous to me, and would evince his sense of my services under General Maitland in the Mediterranean.

I am aware that the times are not much altered in regard to pensions, but if it be the intention of Government to reduce the pay of the Colonial Secretary here, it would afford a fair opportunity of allowing me to retire on a pension on that account.

I have sunk all the little money I had, about £5,000, in the purchase of my house in Cape Town, and I have bought another in the country on mortgage, and I shall no doubt be a great loser by them when I leave the Colony, but I really do not feel myself well enough to be so efficient as I would wish to be and

as I ought to be, and I cannot but feel that I am impairing my health to a degree which if continued in, at my time of life, may prevent my ever getting the better of my complaint.

I beg leave to mention these circumstances for your kind consideration and that of Lord Bathurst. I can have no wish to retire beyond what I have stated—my health.

My situation here is a most enviable one in every respect, but I really am quite worn out by the incessant headaches which torment me, notwithstanding every remedy I have tried to get the better of them.

At all events I trust Lord Bathurst will have no objection to give me a discretionary power to be absent for six or eight months to proceed to England or elsewhere should I feel it necessary to leave the Colony, and you may be assured I shall not do so if the service actually requires my presence here. I have been accustomed all my life to be a great deal at sea, my health has always required it, both in India and the Mediterranean, and one of the principal causes to which I attribute my ill health here is my not having been able to avail myself of my usual trips to sea. I have &c.

(Signed) RICHARD PLASKET.

[Original.]

Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.

48 LOWER GROSVENOR STREET, LONDON, 22nd January 1827.

SIR,—In reply to your letter of the 15th ultimo, with Enclosures from Major General Bourke relative to the case and further claim of D. Cawood to compensation for loss occasioned by the explosion of Gunpowder placed in his house by order of Lieutenant Colonel Scott, I have the honor to state that it appearing to me by the proceedings of the Court of Enquiry that D. Cawood has a just claim to compensation, and it also being represented to me that he and his family (which was numerous) were become totally destitute by the calamity, I took upon me to authorise a portion (2,500 Rds.)

of the amount awarded him by the Court of Enquiry to be issued to him from the Military Chest, reserving the remainder until the pleasure of the Lords Commissioners of His Majesty's Treasury on the subject should be received, for which purpose the proceedings of the Court of Inquiry were transmitted by my Military Secretary to Deputy Commissary General Hewitson to be submitted to their Lordships.

To subsequent enquiries of Mr. Hewitson I received no other reply than that he had not received any instructions upon that point. No further issue therefore was made to D. Cawood. On visiting the locations of the settlers in February 1825, Cawood applied to me personally, and I then informed him that he would receive the remainder of his claim if sanctioned by the Treasury and that I had not then received any instructions on the subject.

On enquiry at the Treasury I find that the Proceedings of the Court of Enquiry were sent with the accounts to the auditors, and that the remaining claim of Cawood has not yet been specially brought under their Lordships' notice. The amount in sterling money is £76 14s. 6d.

So far from having formed the opinion ascribed to me by Major General Bourke, I most decidedly think that Cawood is entitled to the whole compensation, and I feel myself called upon to add that he and his sons are exceedingly industrious hardworking people and deserve every encouragement. I would take the liberty respectfully to suggest that the Lords Commissioners of His Majesty's Treasury be requested to refer to the proceedings of the Court of Enquiry and to notify their decision thereon. I have &c.

(Signed) CHARLES HENRY SOMERSET.

P.S.—Referring to Major General Bourke's suggestion that the Colonial Agent should be instructed to pay the amount if allowed, I beg to observe that the Colonial Agent has nothing whatever to do with issues from the Military Chest.

[Original.]

*Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.*CAPE OF GOOD HOPE, *January 22nd 1827.*

MY DEAR SIR,—We remain in our usual unsettled and unsatisfactory state. The public mind has been agitated lately by the discussion of two important points, 1st, The Commissioners' Report on Bishop Burnett's case, 2nd, The decision of the Treasury on the currency question. Mr. Greig's Paper, now the only newspaper in the Colony (Mr. Bridekirk having given up as a losing concern), is, as usual, very bitter and full of abuse. The Commissioners have laid themselves open to his attacks by a most incomprehensible blunder they made in their Report—having stated that the Search Warrant to enter Bishop Burnett's house was issued on the *direct and sworn evidence* of Daniel Lee, whereas it appears that the evidence was not sworn to till after the Search Warrant was executed; and the Fiscal has encreased the blunder by stating, in some part of the correspondence published, that the Warrant was not issued on the evidence of *Daniel Lee at all*. The Commissioners have also made another mistake *as to time*, about Bishop Burnett being concerned in the Placard. Although these are of no material consequence to the justice of the case itself, as the evidence, whatever it was, was sufficient under the Dutch Law and Practice here to authorise the issue of a Search Warrant, yet it has had a bad effect on the public mind, as shewing the liability to err in the Commissioners' Reports, and in a fact of so much importance and which was laid so much stress upon by Bishop Burnett. It is held out as an inducement to such of the parties who were previously satisfied with awaiting patiently the result of the Commissioners' Report, to sign the Petition to Parliament, now in circulation, for a Representative Assembly, Trial by Jury, &c., and also as a proof to shew how little reliance can be placed on the correctness of their other Reports. It has certainly come upon us very mal-à-propos.

On the Currency question Mr. Greig is also very severe. On this, however, they look to a discussion in Parliament, and we shall have little more of it here, though Lord Bathurst will

probably be bothered with a Petition to the King in Council on the subject.

As to the Dutch Paper Currency, their arguments are quite fallacious ; we never guaranteed it for the value it was meant to represent, we guaranteed it as a paper currency, that is, for its intrinsic value or just as much as it would bring. There was no bullion in the colony at the time to back or support it, and the fair question to put upon this subject is, if a Dutchman ten days before the British Forces appeared in sight had taken ten thousand rixdollars in paper currency to the Colonial Government or Treasury, and demanded bullion or good bills on the Batavian Government, what would have been the reply ? They would have given him neither one nor the other, and he would have been left to make the most of his paper in the market. On our arrival the expences for the Army and Navy were very great. We had no means of paying but by bills on England. At that time they were not much in demand. The consequence was that the bills were negotiated at four shillings the rixdollar, but this was not that the rixdollar was worth four shillings sterling, but that the bills on England were not required, and consequently at a discount.

As to the additional million of rixdollars issued by the British Government, I was always of opinion that sum should have been withdrawn from the currency previous to fixing the value of the Dutch Paper Currency, and I wrote at the time fully to Mr. W. Horton on the subject. This encrease could not fail to depreciate the Dutch Paper. It is, however, now too late, and the only boon I would recommend is that the million of dollars should be expended in a breakwater. This will be a lasting benefit to the Colony, as to any attempt to go into individual claims, or to remunerate individual losses, by the Treasury Decision, it will be nugatory and cause endless trouble at an endless expense.

I sent you thirty half aums of Constantia by the *Larne*, and thirty more will be shipped in a few days in His Majesty's ship *Slaney*. I find that a half aum given to the Captain has as good an effect as an Admiralty Instruction, and I think there will be no occasion for your troubling yourself on that head, as I formerly requested you to do. I have &c.

(Signed) RICHARD PLASKET.

[Original.]

Letter from W. ALERS HANKEY, ESQRE., to EARL BATHURST.

MISSION HOUSE, AUSTIN FRIARS, 22nd January 1827.

MY LORD,—I have the honor to convey to your Lordship a Memorial which the Directors of the London Missionary Society, after a full consideration of the state of their Christian Missions in South Africa, founded on the reports of the Rev. Dr. Philip made to them since his return from the Cape of Good Hope, have felt it their duty to present to your Lordship.

They equally regret the necessity of such an appeal to your Lordship, and the length of the documents to which they have to entreat your Lordship's attention.

If after the perusal of these papers your Lordship should wish to receive any explanation or further information upon any of the points included in them, I shall be happy to have the honor to introduce Dr. Philip to your Lordship for that purpose at any time your Lordship may find it most convenient to appoint. I have &c.

(Signed) W. ALERS HANKEY,
Treasurer of the London Missionary Society.

[Enclosure in the above.]

To the Right Honorable Earl Bathurst.

The Memorial of the Directors of the London Missionary Society humbly Sheweth

That your Memorialists again take leave, although with the greatest reluctance, to solicit your Lordship's attention to the serious obstacles that continue to impede the progress of its missions for the purpose of communicating the knowledge of the Gospel of Jesus Christ in South Africa, and to the oppressions and grievances to which the Aborigines residing at and in the vicinity of some of its institutions situated within the Colony of the Cape continue to be more or less exposed.

Your Memorialists have, on former occasions, stated, for the information of your Lordship, that the Society had directed its attention to various uncivilized tribes of South Africa, to

whom it has endeavoured, during a period of nearly 28 years, and at a large annual expense, to communicate the knowledge of the Gospel and whose social condition, so far as circumstances would allow, it has also sought to improve.

At present the Society has missions among the Hottentot population within, and among the Caffre, Griqua, Coranna, Bechuana, Namaqua, and Bushman tribes beyond, the Colony of the Cape. The number of its occupied stations is Fifteen, and that of Missionaries, Schoolmasters &c. about Thirty.

On the return to this country of the Revd. Dr. Philip, who, as your Lordship is aware, has for several years acted as the Society's Representative and the Superintendent of its Missions in South Africa, it became the duty of your Memorialists to require from him a Report containing such information upon the past and actual state of the said Missions as might be necessary for the government of your Memorialists in their future measures relating to them.

Among the papers presented by Dr. Philip to your Memorialists, in pursuance of this requirement is one (Appendix No. 1) which they beg leave to append to their present Memorial containing statements so important as, in the judgment of your Memorialists, render it incumbent upon them to submit it to your Lordship's attention, whether they regard the duty which, as Directors of a public institution, they owe to their Constituents or, as British subjects, to their Government. And when your Memorialists advert to the magnitude of the object in which the London Missionary Society has, for upwards of 30 years, been engaged, viz. the communication of the Gospel of Jesus Christ to heathen and unenlightened nations, to the intimate connexion which subsists between the dissemination of the Christian Religion and the moral and social improvement of mankind, to the fact that our own unrivalled eminence as a Nation is chiefly owing to the influence of that religion, and that to communicate the primary blessing, *Christianity*, to the inhabitants of other countries destitute thereof, and especially to those who have been placed, by Divine Providence, under British dominion must, at the same time, always tend to promote the honor and, more or less directly, the benefit of our own; when your Memorialists, moreover, advert to the full persuasion they entertain, that

your Lordship concurs in these views, and to the kind attention manifested by your Lordship, on former occasions, to the representations of your Memorialists,—finally, when your Memorialists advert to the Proclamations of the Cape Government in which the wishes of that Government in favor of the civil improvement of the Aborigines is distinctly expressed ; they with the more confidence invite your Lordship's attention to the contents of the present Memorial and to the important statement of the appended documents, as containing matter which, as appears to your Memorialists, urgently calls for the benevolent interposition of His Majesty's Administration at home.

Your Memorialists have alluded to the necessary connexion existing between the communication of the Christian Religion and the promotion of the moral and social wellbeing of mankind, and this even in reference to barbarous and uncivilized tribes ; they have also stated, that to impart such instruction for that purpose, as well as for the far higher object of communicating the knowledge of Eternal Salvation, was the design of the Society in establishing Missions among the Aborigines of South Africa ; and your Memorialists now take the liberty of repeating what they have formerly had occasion to state to your Lordship, that this is the *sole* object of the Society in establishing missions in that country, and in every other to which its operations have extended.

That the labors of the Society's Missionaries in South Africa, as well as in other parts of the world, have been actually productive of the beneficial temporal results above mentioned is, your Memorialists submit, matter of obvious and undeniable fact.

To raise uncivilized and wandering hordes, which formerly subsisted by the chase or by plunder, to the condition of settled laborers and cultivators of the soil, to lead them to increase the sum of productive labor and to become consumers of the commodities of other countries, to convert such as were a terror to the inhabitants of an extended frontier into defenders of that frontier against the inroads of remoter barbarians, cannot, your Memorialists presume, but be regarded as highly important and beneficial results ; and that the Missionaries who have been happily instrumental in effecting them merit

countenance and encouragement from the Civil Authorities of those Colonies which share such benefits from their labors.

That these benefits have, in point of fact, resulted from the labors of the Society's Missionaries, in reference to barbarous or uncivilized tribes in South Africa, satisfactorily appears, as your Memorialists presume, from the documentary evidence appended to this Memorial, and also from that which has been formerly submitted to the consideration of your Lordship.

The progress made in civilization, as the result of missionary exertions, by a portion of the Hottentot population, especially of that part of it residing at, or in the vicinity of, the Society's Institutions of Bethelsdorp and Theopolis, their attention to the cultivation of the earth, the erection of substantial and commodious dwellings, places of worship, schoolhouses, asylums for the aged and infirm poor, their consumption of a considerable amount of British commodities, the sums paid by them in direct taxes to the Colonial Government and their faithfully executed contracts with it, for the conveyance of stores from the coast to the interior, with various other evidences of the civil improvement of the Hottentot population, have been, on several former occasions, laid before your Lordship. And your Memorialists are happy in being able to state that, notwithstanding numerous and powerfully counter-acting causes which have for a long time operated, and still continue to exert their opposing influence, these civil improvements are still advancing among that people, and your Memorialists doubt not would advance with far greater rapidity, were the serious grievances to which they are at present exposed effectually redressed.

The improvement of the Hottentots in religious and moral habits has kept pace with their progressive civilization; of which indeed the former must be regarded as the primary cause and most effectual guarantee. Many, also, among this greatly despised race, have exhibited undoubted proofs of such intellectual capacity as satisfactorily evinces their capability of far greater improvement in civilization than those to which they have hitherto attained. It likewise appears that the Hottentots cherish towards the British Nation a strong attachment (a feeling which has been considerably strengthened by the humane treatment they have uniformly received from the

Missionaries), affording a standing guarantee of their loyalty to the Government and of their readiness, as repeated instances have proved, to aid in the defence of the Colony against the inroads of invading tribes or other aggressors.

That a people thus capable of improvement, so actually improved and improving, so well disposed towards the State and who have, withal, rendered valuable public services to the Colony, should have received from its local Governors and their subordinate officers every possible countenance, protection, and encouragement, were, as appears to your Memorialists, a most reasonable expectation; that, instead of such expectation having been fulfilled, they should have been subjected, under the cognizance of British authority and under the apparent sanction of British Law, to innumerable oppressions, vexations, and grievances, cannot, your Memorialists presume, fail to excite in every mind alive to the honor of the British character and Government, feelings of the most painful nature. That when admitted as they are by various public declarations of the Colonial Government to be free subjects of Great Britain they should be prevented by that Government from choosing their own employers and obtaining the best price for their labour, that many of them should have been compelled to labor many months together for the public service (and in that of the officers of the Government, and by their order and connivance even for private individuals), on some occasions without adequate compensation, * and in others without any compensation at all, that, in other instances many of them should have been compelled to perform public work at a very remote distance from their homes and whilst their families were enduring the most distressing hardships and privations, without receiving any compensation for their labor till several months after such service was performed, that others should have been required to perform military duty for a period of six or seven months without receiving any recompense whatever, that the Hottentots in the service of the Boors should be liable, at the sole will of their masters, to severe and degrading punishments, punishments by which

* Provided they had been permitted to have chosen their own employers, they might have obtained 4 or 5, and in some cases even 10, times higher wages than they received by order of the local authorities.

they are reduced even below the condition of the Mohammedan Slaves of the Colony, that if they make a complaint to the local magistrate and that complaint be construed frivolous (which is unhappily too much a matter of course), they should be severely punished or imprisoned by his order, that the magistrate should be allowed to prevent the Hottentots from exercising the freedom of locating at the Missionary Institutions for the purpose of obtaining religious instruction, that all whose names are inserted in the books of the Institution should be subjected without discrimination to a tax, which bears on many with an unequal and oppressive weight, absorbing, as to such, an exorbitant proportion of the wages of their labor, that they should have been deprived by the Colonial Government of necessary and long-occupied tracts of grazing and other lands, either granted or appropriated by it for their use, and this at a time when their advancement in civilization rendered the possession of the greatest importance, and when their sufferings from severe and unavoidable calamities, and their improving capacity for useful services as members of the community, entitled them to most liberal encouragement, that they should have been prevented by the local authorities, on the most frivolous grounds, from fulfilling contracts useful to the colony as well as beneficial to themselves, that those authorities should be permitted to prevent the members of the same Hottentot family from residing together at the Missionary Institutions, by which prohibition the various charities of human life are superseded, and that the children of the Hottentots should be compulsorily separated from their parents for a period of ten years or more on the claim of the masters whom the parents themselves have previously served or that, with the same disregard to the ties and tenderness of parental and filial affection, they should at the option of the local magistrate be transferred to others, that these and many more such-like oppressions should have been, for a series of years, practised, apparently under the sanction of the British Government and nation, against this unjustly despised people, themselves meanwhile utterly incapable either of obtaining redress for the injuries suffered, or of making known their sufferings to the Supreme Authority, presents such a picture of injustice and inhumanity as your Memorialists

are persuaded your Lordship cannot have known to exist, and when known, cannot contemplate without the strongest sentiments of disapprobation, nor can they refrain from also expressing their persuasion that your Lordship will feel convinced, from the evidence contained in the accompanying documents, and in those which your Memorialists have heretofore submitted to your Lordship's consideration, that the condition of the aborigines of the Colony of the Cape is such as on grounds not only of justice and humanity, but of national interest, loudly calls for the just and humane interposition of His Majesty's Government. Nor can your Lordship fail to perceive that whilst such a state of things, in reference to the Hottentots, continues, the exertions of all benevolent Institutions for the purpose of communicating to them Christian Knowledge and improving their moral and social condition, must, to a considerable extent, be frustrated and the benefits resulting therefrom lost to the community.

Your memorialists after thus laying before your Lordship these statements, beg that your Lordship will do them the honor to believe that it is on the sole ground of these claims which, as they conceive, the Hottentot population of the Colony, for whose benefit they have so long laboured, offer, upon the acknowledged principles of religion and humanity, to their sympathy and good will, that they have now or at any former time taken upon them, in their character as Directors of the London Missionary Society, to lay before your Lordship, and through your Lordship, before His Majesty's Government, their representations of the oppressed and degraded state of that people. They beg, in the most unequivocal manner, to disclaim all title, in that capacity, to intermeddle with the political state of the Colony, and to assure your Lordship that their present Memorial, whatever seeming relation the topics included in it may have to such subjects, has no intentional bearing upon any question whatsoever affecting the Colony of the Cape of Good Hope, or its civil affairs, which may have been altogether avoided by them, but for the utter impossibility of making a faithful representation of the grievances in question, without a reference to the causes in which they originate; nor could they entertain the hope of obtaining

the effectual redress of those grievances, and security against their recurrence, without seeking the interposition of His Majesty's Government at home, to afford the requisite civil protection, by means of the adoption of such measures as, in its wisdom, it may deem necessary for the attainment of that end.

The Society, with the conduct of whose concerns they are entrusted, is formed of a numerous body of Christians throughout the British Empire, of every denomination, for the sole purpose of evincing their own sense of obligation for the Gospel of Jesus Christ and their attachment to its Divine Author, by carrying into effect, to the utmost of their power, his command to communicate that Gospel to the whole human race. They conceive this obligation to continue in equal force through all the ages of Christianity and upon all who bear the Christian name, till the command be fully accomplished : and they persuade themselves that the Government of their country, administering a Constitution which recognizes Christianity as a part and parcel of the Law of the land, cannot but bear a friendly aspect towards all well-intended and discreet measures for conveying the Christian Religion to such portions of the subjects of the Crown (as well as to others) who may not possess it.

Acting upon such principles, and feeling such persuasions (which indeed the many acts of kindness which they have the happiness to acknowledge on the part of His Majesty's Government tend to confirm) your Lordship will distinctly perceive the *specific* grounds on which they take the liberty of addressing your Lordship in the present Memorial, viz. that after persevering endeavours during a period of 28 years to communicate to the Aborigines of the Cape of Good Hope the inestimable blessing of the Christian Religion and its concomitant benefits, they find their best efforts counteracted and resisted by certain tangible and constantly operating causes, and that unless some measures of relief be adopted, by the wisdom and humanity of His Majesty's Government, those causes will continue seriously to impede the progress of the Christian Religion amongst the native population of that important possession of the British Crown.

The substance of the humble representations of your Memo-

rialists is to be found in the treatment experienced by the Hottentot people of that Colony as well on the part of the local Government as the Colonists at large, a treatment not only cruel and unjust in its immediate effects, but most depressing on the efforts of that people to raise themselves by means of religious and social improvement, from the abject condition of barbarism to the blessings of civilization and Christianity, that this oppression is not casual and temporary, but systematic and sanctioned by authority, and that no remedy is to be hoped from any other quarter than the supreme authority of the Government at home.

But your Memorialists do not hesitate also to acknowledge that a very powerful additional motive for the present appeal to your Lordship on behalf of the Hottentots is found in what is felt to be due from themselves, on grounds of common justice and humanity, and, inasmuch as several of the grievances which they have suffered appear to have been much aggravated and in some cases visited upon them *because* they had, for the purpose of receiving instruction, joined the Missionary Institutions of the Society, they have for that reason become more special objects of the Society's sympathy and regard, neither should your Memorialists have considered that they themselves had acted in a manner worthy either of their principles as Christians or their character as Britons, or their best feelings as men, had they neglected to have laid this their respectful representation of the sufferings of the Hottentots before your Lordship.

Your Memorialists further take leave to repeat their conviction, that the measures necessary to put an end to the grievances complained of must emanate as to their essential provisions and the regulations necessary to secure their execution, from His Majesty's Government at home, and their entire confidence that the redress sought for through its benevolent interposition will tend to the welfare of the Hottentot population.

Your Memorialists *therefore*, viz. on the ground of these reasons and of all the others stated in the present Memorial and in former Memorials presented to your Lordship, most respectfully and earnestly pray for a practical recognition of the freedom and civil rights of the Hottentots, in conformity

to the language of the Proclamations of the Government relating to that people from time to time issued by the Colonial Government, in which they are recognized as free subjects of Great Britain, so that they may enjoy the freedom of disposing of themselves and their services and of following the dictates of their consciences as to the means of obtaining religious Instruction, that they be not restrained by the Local Authorities from the liberty of joining the Missionary Institutions, that the taxes peculiarly affecting those who have joined such institutions, together with such general and local regulations as militate against their personal and social welfare and the success of Missionary efforts for their benefit, be rescinded, and finally that the Colonial Authorities be instructed to abstain from all interference with regard to the appointment or recall of the Society's Missionaries.

Your Memorialists in conclusion again take leave to express their persuasion, as they have before taken the liberty to do in their Memorial of the 30th of January last, that it will be quite evident to your Lordship that whatever privileges may be imparted to the Hottentots, or whatever advantages they may enjoy, their happiness and prosperity will not rest on a solid and satisfactory basis, unless they are placed under the protection of wholesome laws and their civil rights and privileges are duly recognized and guarded by Magistrates having no local interests of their own to bias them in the administration of justice to the prejudice of the Hottentot population, and your Memorialists again solicit your Lordship's attention to this very important point in the hope that the just and benignant character of His Majesty's Government will soon be manifested in the enactment of such laws in favor of the Aborigines of the Colony of the Cape, as may effectually secure to them all the civil rights of liege subjects of the British Crown.

And your Memorialists &c.

(Signed) WM. ALERS HANKEY,
Treasurer of the London Missionary Society.

MISSION HOUSE, AUSTIN FRIARS,
January 22nd 1827.

[Annexure No. 1.]

To the Directors of the London Missionary Society.

GENTLEMEN,—I beg leave to lay before you the following particulars relative to the Society's Missions in South Africa.

From the time the Dutch took possession of the Colony of the Cape of Good Hope till it fell into the hands of the English, it appears from the best authorities, that the Hottentots had received very little improvement from their European neighbours. They appear to have been the same in their dress, in the construction of their huts, in their manner of feeding, in their offensive habits, in their grovelling ideas, in their superstitions, in their notions of medicine, in their dances, in their marriages and funeral ceremonies, in 1775, when Sparrman was in the country, which they were when the Cape was first colonized from Europe.

It is evident that Sparrman did not consider the Hottentots of that period as advanced in civilization one step above the savage Caffres and Bushmen, and it does not appear that any sensible improvement was made on the Hottentot nation till the commencement of the Missions among them.

It is difficult to plunge into a remote antiquity, to ascertain the change which may have been effected upon a tribe, or nation, during a lengthened process of time, and to assign that change to its appropriate agency, but any attempts to civilize the Hottentots are of so recent a date that the amount of any improvement which may have been made upon them may be easily fixed and traced to its proper source.

Bethelsdorp and Theopolis were originally one institution, and the latter is a branch only from the former. Their state when collected at the present institution is well known through the medium of various publications. The Hottentots belonging to Bethelsdorp and Theopolis have been more severely charged with idleness and vice than those connected with other Missionary Stations. These institutions have been held up as the opprobrium of missions and as a decided proof of the inefficiency of missionary labor ; and if the beneficial influence of missionary exertions may be proved from these stations, the very last on which we might be expected to rest the credit of our missions, the point must be conceded in their favor.

The following extracts are from Lichtenstein and Barrow. Our object in quoting them on this occasion is to illustrate the condition of the Hottentots when they first came under religious instruction :—

“ At this very time ” (namely at the commencement of Dr. Vanderkemp’s mission to the Hottentots) says Lichtenstein, “ there were hovering about the borders a number of vagrant Hottentots, who, during the war, had gained their living as partisans of either side, one while among the Caffres plundering the dwellings of the Colonists, then assisting the Colonists in seizing the cattle of the Caffres. In this way they had, in more than one instance, been secretly the occasion of the struggle being carried on with still increasing animosity. These people were collected together by Vanderkemp for the purpose of instructing them in the Christian religion, in which he was assisted by an Englishman of the name of Read.”

“ This zealous and intelligent man ” (meaning Dr. Vanderkemp) says Barrow, “ on finding that the Caffres were not disposed to profit by his instructions established himself under the sanction of Government near the Sunday River, in order to try his success with the more tractable Hottentots. His village soon became an asylum for the poor fugitives who after the skirmishes with the Boors had concealed themselves among the rocks and thickets.”

In many places between the Great Fish River and the Knysna, the desolating effects of the war carried on between the Caffres and the Colonists in 1800, 1801, 1802, and 1803 are still visible and, for obvious reasons, the Colonists suffered more from the Hottentots than from the Caffres.

The principal object of the Caffres in their incursions into the Colony was plunder, but to this desire was superadded the thirst of revenge. In the neighbourhood of Plettenberg’s Bay several farmers were killed whilst defending their property, and their wives and daughters were taken prisoners. The women were about a week in the possession of their enemies. The Hottentots were the only individuals in the party from whom they suffered any rudeness, and the Caffres so far from joining the Hottentots in this brutal part of their conduct, every night formed a ring round the women to protect them from the violence of the Hottentots.

Dr. Vanderkemp acknowledges in his journal that his Institution had been represented as an asylum for thieves and murderers.

The ameliorating and beneficial influence of our African Missions has been seen and felt under a variety of aspects. They have elevated the character of the Hottentots, improved their natural dispositions, developed their capacity of improvement, stimulated them to industry, banished what was gross and offensive in their morals, multiplied their comforts, and rendered them serviceable to the Colony at large. When they joined themselves to Dr. Vanderkemp they had no property. The first year they were under the Doctor's instructions they were fed at the expense of the Colonial Government; they were averse to labor; they were filthy and demoralized in the extreme; they had no taste for the habits of civilized life; they were without any clothing but the sheepskin kaross; they were strongly addicted to drunkenness.

Having described the condition of the Hottentots at the commencement of our missions, it now remains for me to describe their present condition.

The inhabitants of Bethelsdorp and Theopolis, notwithstanding their unfavourable situation and the difficulties by which their progress in civilization has been impeded, have made advances in intelligence, enterprise and industry, which fill their enemies with surprise and envy. Many of the Hottentots have now substantial, clean and commodious houses, indicating a degree of comfort possessed by few of the frontier Boors and far surpassing the great body of the English settlers. The sheepskin kaross and its unsightly accompaniments have disappeared, and the great body of the people and of the children are clothed in British manufactures. The people belonging to Bethelsdorp are in the possession of fifty waggons, besides cattle; and this place which was lately represented as the opprobrium of missions is, at the present moment, a thriving and rapidly increasing village.

An excellent almshouse for the support of their indigent old people and a spacious school, where the youths are taught to read both the Dutch and English languages and where many of them are also instructed in writing and arithmetic, have been erected at the expense and with the hands of the Hotten-

tots. A church of large dimensions has recently been commenced, the building formerly used as such having been found too small. Bethelsdorp, moreover, possesses the best blacksmith's shop in the interior of the Colony. It was erected by a Scotchman, who has married a Hottentot woman and who, in January 1826, had nine Hottentot apprentices, besides several journeymen. A Hottentot instructed by this man is now foreman to an English blacksmith at Graham's Town, having his own board and that of his family and a salary of 60 rixdollars per month. He is considered a very superior mechanic and has three Englishmen working under him.

Other trades, especially those of Mason, Thatcher, Sawyer, &c., are successfully followed by many inhabitants of Bethelsdorp. A large shop or store has also been established there by an Englishman of respectable connexions and capital, who sends to Cape Town a considerable quantity of aloes and other Colonial produce supplied by the Hottentots, and they in return are clothed and furnished with English manufactures.

The inhabitants have, moreover, within the last two or three years, raised 7,000 rixdollars by gratuitous contributions from their hard earned savings to pay for a valuable farm, purchased in aid of the very inadequate lands of Bethelsdorp.

In 1822 the Hottentots became contractors with Government to carry military stores from Algoa Bay to Graham's Town. In this contract they employed thirty waggons, and caused a saving to the Government, in the first six months, of 11,175 rixdollars 5 skillings and 4 stivers, compared with the contract of the preceding year, when the Colonists had it.

The people of this Institution, who were formerly burdensome to the Colonial Government and in the condition of naked savages, are at this time in the habit of paying in direct taxes between 2,000 and 3,000 rixdollars per annum.

Among such people and in such an Institution as Bethelsdorp the missionaries must have much to do to extirpate vice and promote virtuous habits in the people. The strong temptations to which they are exposed and the corrupting influence of a neighbourhood where you may, generally speaking, see all the vices of civilization with (if we make some exceptions in favor of a small number of individuals) few of its virtues, the morality of the people is matter of surprise. Honesty and a regard to

truth are become traits in the Hottentot character which have been generally remarked. An addiction to spirituous liquors is one of his most powerful passions, and one that is not easily eradicated under any circumstances after it has gained an entire ascendancy ; yet, such is the order of the Institution at Bethelsdorp, that the missionaries have not for years past seen any individual under their care in the Institution in a state of intoxication. In the day all is activity ; you see no lazy Hottentots sleeping in the sun in their karosses ; and after sunset, you hear no brawls in the streets or in the dwellings.

The following gratuitous testimony of the beneficial effects of the labors of our missionaries among the Hottentots in general, and at this Institution in particular, is added, because it has been furnished by two respectable individuals unconnected with our Institution, and who were eye-witnesses of what they relate.

“Many of the Hottentots of these Institutions appear to us fully on an equality in point of civilization with a great portion of the laboring class in our own country. And among those at Bethelsdorp, particularly, English habits and English feelings seemed to be rapidly gaining ground. Many of their houses were exceedingly comfortable and clean ; and in this respect it is rather remarkable how far they have overcome the proverbial filthiness of their former habits.”

“Their public spirit and disinterestedness have been shewn in the gratuitous contribution of their labors to works of charity and general utility, such as the church, schoolhouse, road, kraal, tank, and poor-house, at Bethelsdorp, constructed entirely at their own expense ; while the voluntary support of this last mentioned asylum for the aged and infirm affords also a strong proof of the benevolence of their disposition and the influence of civilizing principles of the best kind on their general conduct.”

“We were glad to find that the industry of the people at the different Institutions was fettered by no restrictions on the part of the Missionaries, and that the profits of it were entirely their own. The Missionaries assured us that they strictly avoid interfering with the people in the disposal of themselves, and that they had perfect liberty to go whenever and wherever they pleased. The outward circumstances of

many of them, their houses, cattle, waggons, &c., afford unquestionable proof of their industry, while the quantity of European articles sold at the stations of Bethelsdorp and Theopolis also shews that the people in general are far from being insensible to the comforts of civilized life, or unwilling to labor to obtain them."

In the preceding statement of the change which has been effected upon the Hottentots, no attempt has been made to overcharge the picture ; nothing has been advanced but what will bear the most rigid scrutiny, and what must be admitted by all, whether friends or enemies, who have taken pains to inform themselves as to the state of this Institution ; and the following extract of a letter from the Revd. J. Foster, of so recent a date as the 22nd May 1826, will shew that the means which have done so much for the improvement of this people still continue to operate with increasing efficiency.

"In our journey we passed Gnadenthal, Pacaltsdorp, and Hankey, and were gratified in observing the success already produced by missionary efforts and the means in operation for, I trust, still greater results. The appearance of Bethelsdorp and Theopolis is a practical refutation of the calumnies circulated against them, particularly against the former, and these different Institutions challenge the applause of the candid and even of enemies. In the schools the British System may be seen in a state of perfection, equal to almost anything that can be witnessed in England, and the numbers under instruction and their proficiency are truly admirable. The number of schools here (*i.e.* Bethelsdorp) at present is six, including two day schools for the children, a large adult school on the sabbath, and an evening school in the week, besides the seminary which I have commenced with the natives, in which they are proceeding in the more important branches of knowledge. The various societies of a benevolent and religious nature call into exercise those principles which, from the pulpit and other quarters, are enforced on them and, as is invariably the case elsewhere, tend to strengthen them and bring them to maturity. I am happy in observing in the deportment of every individual the utmost quietness and sobriety ; there is nothing like a tumultuous or noisy assembling for the purposes of sinful mirth or mischief, so that those who are not the most

active members of the community are not in a contrary manner injurious. The public spirit of the people is remarkable compared with their limited means ; the public buildings on the place which have resulted from it being worth many thousand dollars, while others are designed, and some in actual progress."

All that has been said respecting the civilization, the industry, the morality, and the progress of education, at Bethelsdorp, is applicable to the missionary station at Theopolis. A new village has recently been erected ; the school is in a most prosperous condition, a reputable man is carrying on a respectable business in the village and, in every species of improvement, the people of this Missionary Station will bear a comparison with the Parent Institution already described.

As a further illustration of the great advantages derived from the labors of our missionaries at the above Institutions, I beg leave to call your attention to the manner in which they have contributed to the defence and security of the Colony.

It has been remarked by Barrow, " That an enemy might at all times create a great deal of mischief by putting arms into the hands of the Caffres and Hottentots, who might very easily be encouraged to drive the whole Colony within the limits of the Cape Peninsula ; a measure by which the Garrison and the settlers would be reduced to the danger of starving for want of provisions."

Whatever ground there may formerly have been for entertaining the apprehension this writer has expressed respecting the Hottentots, all occasion for similar fears has been long removed, and it is to the labors of the missionaries that the chief merit of this change is to be ascribed.

While the people at our missionary stations have been rapidly increasing in civilization and rising from the condition of laborers to that of consumers, they have been furnishing numerous laborers to the various departments of Government, affording to the Cape Regiment its most efficient men, and they have added much both to the prosperity and security of the Frontier districts of the Colony. Besides the people from Bethelsdorp and Theopolis previously in the Cape Regiment in the Caffre war of 1819, 70 men were drafted from the former Institution and were six months employed in this service, and the situation of Theopolis, being 33 miles from Graham's Town

and 4 miles from the sea on the line of the frontier, and the protracted and brave defence made by that Institution against the common enemy, proved of incalculable advantage to the Colony. When the last commando entered Caffreland it was proposed by Colonel Willshire that Mr. Ullbricht and his Hottentots should retire to Graham's Town. When this plan was proposed, Colonel Cuyler, the Landdrost of the District, gave it as his opinion that the Hottentots should, if possible, be induced to remain at their station, as Theopolis was equal to any military post that could be established by Government and was the key to Uitenhage. The event proved the correctness of Colonel Cuyler's information and opinion.

Had the Hottentots now in our Institution been hovering about the borders of the Colony in 1819 in the condition in which they were in 1800, 1801, 1802, and 1803, when they are described as hordes of plundering and murdering savages; and had they joined the Caffres as formerly, and directed them in their inroads into the Colony, instead of bravely opposing them as they have done, it will readily be admitted that the Colony would have been in a very different situation at this moment from that in which it now is.

The Colonists suffered many inconveniences from the late war, but had the Hottentots, who so lately joined them in repelling the Caffres, been leagued with their enemies, the consequences which might have followed would have been so appalling that we shrink from the contemplation of them.

After stating the effects of our missions within the Colony, I beg leave to give a brief view of some of the important advantages which have resulted from the labors of the missionaries immediately beyond the limits. Tribes in a savage state are generally without houses, gardens, and fixed property. By locating them on a particular place, getting them to build houses, enclose gardens, cultivate corn-land, accumulate property, and, by increasing their artificial wants, their dependence on the Colony is increased and the bonds of union and securities for the preservation of peace are augmented.

While savages continue in the hunter state and are without means of subsistence they will sometimes pass three or four days without food. If in this starving condition they are hovering upon the borders of the Colony, it is not to be supposed

that they will abstain from what comes in their way to allay the cravings of hunger. The farmer finds his cattle missing, but he has no means of detecting the thieves ; they have fled to the bushes or to some distant part where they cannot be pursued. If, on the other hand, persons who have been located on a particular place injure the Colony, it is known where to find them ; every house they build, every garden which they enclose, and every acre of corn which they cultivate, are so many securities for their peaceable conduct towards the Colony. They are aware that the place of their abode is known ; they have now a large stake to lose ; their houses, their gardens, their fields, their families, their country, may all be lost by provoking a quarrel with the Colonial Government.

Whilst the Romans found the south-east part of Britain where the people cultivated the ground, built good houses, and possessed fixed property, a safe neighbourhood, they were constantly harassed by the pastoral and hunting tribes, who were continually making inroads upon the Colony from the woods, the mountains, and fastnesses, where they sheltered themselves from their pursuers and enjoyed the fruits of their predatory excursions.

“ Without the restraint of law and justice and without any serious occupation, barbarous tribes,” (to use the language of a philosophical writer) “ have no aliments for their inquietude but wars, insurrections, convulsions, rapine, and depredation.”

Let the wandering tribes hovering around the borders of the Colony be raised to the agricultural state, encourage them in acquiring fixed property, good habitations, cultivated fields, and they will soon be brought to observe treaties, or it will be rendered impossible for them, as now, to escape the vigilance of troops and for the foe to convert them into allies and friends.

Under the old government, and for some time after the English took possession of the Cape, it is well known that from the mouth of the Orange River to the District denominated the New Hantam, including a line of boundary nearly six hundred miles in length, the whole country was in a constant state of hostility. At this period the Colonists and the Frontier Tribes lived in constant apprehension of each other, and many of the borderers, still alive, can unfold tales of horror not

exceeded in atrocity by anything that has ever met the public eye.

It is not my intention at present to inquire into the real or alleged causes of those disorders ; my sole business is with the facts, and those facts rest upon the most unquestionable evidence and have been substantiated by our missionaries, by colonists themselves, and by individuals belonging to the aboriginal tribes, who were themselves witnesses of what they described. In those broils the noted Namacqua Chief, Christian Africaner, took an active part.

While this formidable chief was filling the borders of the colony to an extent of not less than three hundred miles with the terror of his name, and after he had attacked the Warm bath, one of our missionary stations, and murdered or dispersed the people, and while he was supposed to be meditating the destruction of all our missionary stations in that quarter, at the suggestion of Mr. Campbell, then travelling in that part of Africa, a missionary subsequently visited the kraal of Africaner and threw himself an unarmed stranger upon the mercy of the chief ; and he had the pleasure of seeing the first principles of Christianity imparted to this remarkable individual, matured into the formation of a character which continued till death to exhibit as admirable a specimen of the union of Christian doctrine and elevated morality as this or any other Country has ever witnessed.

The improvement which had taken place in the condition of the Griquas had for some years previous to that period added security to that part of the frontier of the Colony in which they are situated, and from the day of Africaner's conversion to Christianity there has not been one murder committed by the natives of that district upon a colonist, nor one gun fired against the colony.

Had the system which was carried on along the northern frontier of the colony previous to the introduction of the missionaries into that district been continued to the present time, when the extent of the frontier is taken into consideration, I am warranted by competent military authority in saying that a thousand men would not have been more than necessary for its defence ; and it must be admitted that it is to the missionaries alone that the Colony is indebted for this saving of

expense and the peaceful security which its inhabitants have enjoyed along this extended and defenceless frontier.

The improvements made upon the Hottentots and other aboriginal tribes by the labors of the missionaries have generally speaking been conducted under the frown of the Colonial Government and the local magistracy of the Colony. While they assigned as a reason for their hostility against the missions, that we did not civilize the people, everything possible was done to prevent their improvement in civilization, and the opposition made to our missions has increased in proportion as our success became more and more evident.

After the removal of General Dundas from the Cape of Good Hope, under whose enlightened auspices Dr. Vanderkemp began his missionary exertions at Algoa Bay, the history of the Doctor's labors is a history of one continued struggle to protect the people and the missionary Institution of Bethelsdorp against the measures of the Local Authorities of the District of Uitenhage.

In proof of this assertion we may adduce the whole of Dr. Vanderkemp's correspondence with Colonel Cuyler and most of his letters to the Colonial Government.

In January 1807 he thus writes in a letter addressed to the Directors of our Missionary Society :—

“ I think our enemies have in view to accomplish their design not by expelling us out of the Colony or by a formal prohibition of our missionary work, but by teasing and gradually confining us more and more to a narrow sphere of activity, in hope that by repeated troubles and vexations we shall be wearied out and disposed at length to abandon our station and leave them masters of the field.”

During this arduous struggle, of which his correspondence affords sufficient evidence, he did not complain in private only, he presented his grievances before the Colonial Government, and the following extract copied from a letter written only a few months before his death will show how little he gained by his exertions :—

“ I would go anywhere to escape from my present situation ; I cannot remain much longer at Bethelsdorp ; my spirits are broken and I am bowed down by the Landdrost Cuyler's continual oppression of the Hottentots.”

A gentleman well acquainted with the circumstances of Dr. Vanderkemp in a letter addressed to your Secretary, the Revd. George Burder, dated the 31st May 1826, uses the following expressions :—

“ You will recollect the struggles that the late Dr. Vanderkemp had for the poor Hottentots ; he died when at Cape Town to represent their sufferings.”

The services rendered by the Hottentots at the capture of the Colony of the Cape of Good Hope from the Dutch, the assistance subsequently yielded by them in subduing the rebellious Boors and in keeping them in subjection, procured for them, for a time, the smile of the Colonial Government ; but after the refractory spirit of the colonists had subsided and the Boors saw it to be their interest to cultivate the favor of their new rulers, the services of the Hottentots were forgotten and the Hottentots themselves reduced to their former servile condition.

The Proclamation of 1809, published with the most benevolent intentions on the part of Lord Caledon, has been so construed as to defeat the benevolent intentions of His Lordship, and that which was intended as a kindness to the poor Hottentots has been converted into an instrument of great oppression.

In 1812 a proclamation was issued, during the administration of Sir John Cradock (now Lord Howden), giving the farmers a power to secure the services of the children of the Hottentots who had been born and had lived eight years upon their premises, for an additional ten years. This proclamation, to use the language of one of the ablest men of the Cape of Good Hope, “ sealed the degradation of the Hottentot race.” I have reason to believe that the intentions of Lord Howden and those of the framers of the Proclamation (as in the Proclamation of 1809) were very different, but in both cases I believe those humane noblemen were imposed upon by the persons by whom the measures in question were recommended.

By these Proclamations the worst parts of the Dutch policy have been systematized, legalized and extended ; but on this subject we shall remark more fully hereafter.

In September 1814 the Missionary at Bethelsdorp received intimation that the people of that Institution were to be taxed

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according to a proclamation published in the preceding April, exhibiting a rate of taxes to be paid by the Boors.

Had this regulation been applied to the Hottentots who were free and in the possession of trades or of waggons and old residents in the Institution, it would have been less objectionable in its character ; but by extending the rule to all who have their names on the books of the Institution, even to those of this description who are in the service of the farmers as well as to those who are resident at the Institutions, it has become in its operation one of the most partial and oppressive enactments imaginable.

I have the best reason to know that the tax is confined to the Hottentots at the Missionary Institutions, that it is not levied on those who do not belong to such Institutions ; and as the great body of the Hottentots belonging to our missionary stations are in the service of the farmers, and have thus to pay one fourth, one third, and sometimes nearly one half of their yearly wages in direct taxes from which they might be freed by saying that they did not belong to any missionary station, the Directors will not be at a loss to conjecture the object proposed by the individuals who suggested and pursued those oppressive measures.

During the same year a requisition was addressed to the missionary at Griqua Town for twenty young men to be furnished by that station for the Cape Regiment. This requisition it was impossible for the missionary to induce the people to comply with, in consequence of which Government were exceedingly offended with him ; while, for his zeal in endeavouring to induce the people to satisfy the wishes of the Government, he lost their confidence, and the people themselves for their non-compliance with those wishes were prohibited from having any intercourse with the Colony.

When the circumstances of a missionary connected with such a people are considered, when it is recollected that the people are without civil government, that they were ten days journey distant from the Colony, that they were not capable of forming any ideas of the nature of the service to which these young men were called, that they were at this moment as useful as any military post could have been in such a place : was it not unwise and unjust to treat the parties with so much

severity on this occasion ? The requisition itself assigns as a reason for this measure, that the Government did not wish to withdraw that number of Hottentots from the service of the farmers.

The descriptions of Sparrman and other travellers had excited some degree of compassion in England in favor of the oppressed and persecuted Bushmen, and a mission to that people was undertaken in 1799 by the Revd. Mr. Kicherer. His labors among the people commenced on the Zak River in the district of Beaufort, but being induced shortly after to accept of the Dutch Church of Graaff Reinet, this station was abandoned. Satisfied that a sufficient trial had not been made on the Zak River, and that it was a duty still to make further attempts to elevate the degraded Bushmen, the Directors in 1814 renewed their mission to the Bushmen under circumstances which promised the most pleasing results.

The farmers now found that they could not carry on, under the eye of a missionary station, the cruel system hitherto practised against the Bushmen, and determined to use every endeavour to extinguish the missions, that they might do their deeds of blood where there should be no witnesses. On their false and selfish representations the Colonial Government acted ; the missionaries were recalled, and the missions abolished in 1817. No just grounds could be alleged for this extraordinary proceeding ; no thefts had been committed upon the farmers by the people of the Missionary Stations, the people were conducting themselves in the most peaceable manner, and the change effected upon them had arrested the attention and called forth the highest commendation from the respectable clergyman of the District of Graaff Reynet.

These two interesting missions were no sooner put down than the Commando system against the poor Bushmen, which had been suspended for a season, was renewed. The plan was already formed to take possession of the whole Bushman Country in that direction, and the country was now to be cleared from Bushmen as if they had been wild beasts. The women and children and young people who were tractable were seized by the farmers and moulded to their service.

Such as did not please their new masters were severely punished and insultingly told that they had no missionaries

to whom they could now complain. Some fled to other districts, and some remained wandering about their native country, hiding themselves among the rocks and in the holes of the earth, and not daring to appear in the day, for fear of being shot; waiting in that situation in the hope that the missionaries who had been taken from them would return to their relief.

Shortly after the recall of the missionaries, and when these things were going on, a Land surveyor was sent by Government into this very district, and the Colony may now be said to include all the Bushman country from Plettenberg's Beacon to the South Bank of the Great River.

Tired, it appears, of the slow manner in which the extirpation of the Bushmen was proceeding on the old system, a special Heemraad (Van Wyk) of the District of Cradock, presented a petition to Mr. Jennings and Mr. Neethling, then on the Court of Circuit in that Sub-Drostdy, complaining of intolerable excesses committed by the Bushmen on the property of the families of the Colonists in that District, and of the reluctance of the Landdrost of Graaff Reinet to afford sufficient encouragement to the Commando system against the Bushmen, requesting at the same time that the Commissioners of the Court of Circuit would use their influence to induce the Colonial Government to employ more efficient means than had been employed against the Bushmen. The Commissioners of Circuit fell into the snare which had been laid for them, and they found the Colonial Government disposed to act upon their recommendation.

While the Landdrost of Graaff Reinet was sharply reproved for his supineness, orders were sent to him to collect all the farmers in his district, and an order was at the same time sent to Colonel Cuyler, the Landdrost of Uitenhage, to assemble all the disposable military force on the Caffre frontier, and these two bodies were to scour the Bushmen country. These orders, it is presumed, are preserved in the offices of the Colonial Government.

Had these orders been executed by the forces appointed for this expedition, the country would very speedily have been cleared of Bushmen; but even the Landdrost of Graaff Reinet, who had sanctioned innumerable small commandos of the farmers against the Bushmen, had the sensibility to

shrink from becoming the instrument of this proscription, and had the good fortune to prevent the deep stain which must have been brought upon the British name by its execution, by a single question put to the Heemraad Van Wyk: "Where are your proofs of the charges exhibited against the Bushmen which call for this dreadful infliction of punishment?" The Directors will perceive in this single transaction, with the subsequent extension of the Colonial frontier, including as it now does within its limits the Bushman Country south of the Great River, the true grounds on which the Bushman Missions were put down, and the claims which the unfortunate Aborigines of South Africa have upon the enlightened and powerful Government of Great Britain.

In 1817 several missionaries sent out by the Society to recruit the missions in the interior were detained in Cape Town by an order of the Colonial Government, which prevented them proceeding to the places of their destination. By this time the state of our missions had arrived at a crisis which rendered it necessary to send out a Deputation to Africa, to report upon their situation and to suggest the means necessary for their preservation and improvement. On the arrival of the Deputation in Africa, it was shortly discovered that under many professions of regard to the interests of our missions, a system continued to be pursued subversive of those interests.

It is painful to observe that while every attempt to improve the people at other Missionary stations has been marked with the displeasure of the Local Magistrates, Mr. Seidenfaden was kept at Caledon Institution in opposition to the petitions and remonstrances of the Society's Agent and of the people themselves, notwithstanding heavy charges of immorality exhibited against him, till he had demoralized the people, dispersed them, and driven them from the place, and finally ruined both them and the Institution.

When the Revd. Charles Pacalt settled at Pacaltsdorp in 1814, the people were without any clothing except the unsightly kaross; they were without gardens, without houses or corn-fields. At his death, after laboring among them for six years, he left them clothed in British manufactures, in the possession of houses and gardens, and other blessings connected with a state of civilization. An attempt was made by the Colonial

Government in 1822, at the time Mr. Anderson went to that station and Mr. Messer removed from it, to deprive the agent of the Society of the power of removing or placing missionaries at this station without the consent of the Colonial Government. Should such a power be conceded to the Colonial Government, the appointment of the missionaries and their removal will, as a matter of course, fall into the hands of the chief magistrate of the district, as it cannot remain a question but that in such cases his recommendation will be followed, and in that case the missionaries being placed in a state of dependence on the magistrates, they can no longer be in a condition to support the interests of the Hottentots, and all our missions may in a short time fall into the hands of such men as Seidenfaden, who was patronised and protected by the Colonial Government at Caledon Institution till he had completed the dispersion and ruin of the people.

I have already adverted to the importance of the Griqua Mission as a military post, to the impolicy and baneful effects of the demand upon the missionary station at Griqua Town for 20 men for the Cape Regiment, to the measures which followed prohibiting the people from having intercourse with the Colony for not doing what, in their circumstances, was then impossible, to the order issued in 1817 prohibiting the missionaries from going beyond the Colony, which prevented us from sending the assistance then required to the Griqua mission; but I cannot do justice to this subject without adverting also to an order issued from the Colonial Office commanding a magistrate in the Colony to raise a powerful commando and to go and seize all the people belonging to this mission and to bring them into the Colony as prisoners. At the time this order was issued most of the men belonging to this station were assembled, at the invitation of the Colonial Government, at a fair instituted by the Government at Beaufort, and they did business at that fair to the amount of 27,000 rixdollars.

At the time this order was copying and before it was sent off, I received information respecting it, and instantly transmitted a memorial on the subject to the Acting Governor, who was then in the interior of the Colony, from which the following extract is taken :—

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“The extirpation of the Griquas is impracticable ; before any Commando could cross the Orange River, the people would be beyond its reach, immediately the Commando retired, they would return to their old place, join themselves to such a man as Coenrad Buys, disperse themselves in hostile bands amongst the neighbouring tribes, attach to themselves the evil disposed of all the wandering savages beyond the limits, and bring war upon the Colony from the mouth of the Keiskamma to the mouth of the Orange River upon the western shores of Africa.

“In a very short time your Excellency would see all the present traces of civilization among those tribes obliterated, every way into the interior obstructed, and the thinly-scattered population on the extended frontier of the Colony kept in constant terror and alarm.

“Necessity is the most powerful law of nature, and those who escape in a general proscription frequently find resources of annoyance in the thirst of revenge that compensate for any deficiency occasioned by the diminution of their numbers.”

When the order in question was issued the Griquas were in a prosperous condition ; they were cultivating the friendship of the Colony and adding to its exports and imports, and so little did they merit such cruel treatment, that the Landdrost Stockenstrom on receiving it exclaimed, in the hearing of a gentleman from whom I received my information, “—— ! what evil have these people done ? They have never injured the Colony ! ”

I am perfectly satisfied this order did not originate with Sir Rufane Donkin, and His Excellency had only to have its baneful effects pointed out to induce him to correct the mistake, and the order was recalled.

This incidental reference to the name of Sir Rufane Donkin leads me to mention an occurrence which took place in 1821, and I do it the rather, as I think it probable that an unfavorable representation of it may have come under the view of the Directors.

I put into the hands of Sir Rufane Donkin, on the eve of his departure from Cape Town to visit the interior, a paper copied from letters received from Bethelsdorp, containing complaints against Colonel Cuyler. These complaints or

charges, eight in number, were publicly investigated at Bethelsdorp. Of this investigation the missionaries had no previous notice ; they were not at all apprized that such an investigation was in contemplation till they were summoned by the voice of the Acting Governor, in the presence of Colonel Cuyler, to appear on the public square of the village to reply to the interrogatories put to them. After having closed this extraordinary investigation, His Excellency the Acting Governor wrote a letter to the Colonial Office stating that the complaints of the Missionaries had proved a foul conspiracy against Colonel Cuyler.

Astonished at such a result, a few months after this period I visited Bethelsdorp and confirmed by papers in the handwriting of Colonel Cuyler, found in the Office of the Missionary Institution at Bethelsdorp, the substance of those charges which the Acting Governor had hastily pronounced unfounded. Copies of these documents collated with the originals were transmitted to the Colonial Government, but no notice having been taken of them, they were, in the year 1823, put into the hands of His Majesty's Commissioners of Inquiry then in South Africa. A copy of these documents is in my hands for the inspection of the Directors.

Dr. Vanderkemp and his associates were for many years represented as indulging the people under them in idleness, and as not teaching them the arts of civilized life ; and on these pretexts the enemies of the missions rested their justification in relation to the oppressions exercised upon them. These pretexts are now no longer available, and the sequel will show with what sincerity they were formerly urged.

In 1821, while the people at Bethelsdorp and Theopolis complained to the Agent of the Society in Africa of their great and manifold oppressions, they were told by him that no hope could be entertained of obtaining redress for them unless they would conform to our ideas of civilization and build good houses for themselves and clothe themselves in British manufactures. They were informed that the common assertion "that they could not be civilized or improved in their condition" appeared to be an insurmountable barrier to the success of any application which could be made to have their condition ameliorated, but that if they would take advice and

follow the plans which would be laid down for them, the justice and benevolence of the British Government would certainly grant them the rights which might be denied them by the avarice of the Colonists.

The people had no difficulty in comprehending and entering into those views, and thus stimulated, from that period they made rapid strides in the career of improvement. It might have been expected from this period that those who condemned us for not civilizing the people would now applaud our labors and unite with us in our efforts ; but the very reverse was the case !

The people and the Magistrates, and the Colonial Government, who had justified their opposition to the missions on the grounds already alleged, now redoubled their efforts against us and did everything to obstruct the improvement of the people.

In 1822 the people at Gnadenthal, the principal missionary station in South Africa belonging to the Moravians, received 4,000 pounds of rice to keep them from starving, 15 muids of seed corn to sow their cornfields ; and such was their poverty that the Colonial Government, on the representation of Mr. Halbeek, remitted to them all their taxes for that year.

In the same year 1822, and though suffering in common with others in the Colony from the failure of the harvest, the people at Bethelsdorp themselves without aid, built a schoolhouse by their own labor valued at 5,000 rixdollars ; during the same year by taking the Government contract to carry the Government stores from Algoa Bay to Graham's Town they created a saving to Government during the first six months of the contract of 11,175 rixdollars 5 skillings and 4 stivers, paid 2,000 rixdollars in direct taxes to Government, and laid out 20,000 rixdollars in British manufactures.

Whilst the people of Bethelsdorp were evincing this superiority in point of industry and civilization, they not only met with no favor from the Colonial Government, but they were persecuted and oppressed by the Chief Magistrate of the District and had every hindrance which could be conceived thrown in their way to retard their improvement.

As an instance, in February 1822 an order was issued by the Landdrost, prohibiting the people at Bethelsdorp from cutting wood except at Landman's Bosch, where they could not

procure the wood requisite. By this means the people were prevented from fulfilling a contract to Mr. Korsten amounting to 7,500 rixdollars, which sum was given them by Mr. Korsten to enable them to pay the first instalment for the farm purchased of him ; and at the same time deprived in a season of universal scarcity in South Africa of the chief means of support. After a correspondence of six months orders were issued from the Colonial Office that the Hottentots should be allowed to cut wood on the same terms as the other inhabitants of the District.

To say nothing of the trouble of this correspondence, of the anxiety and distress of the people during these six months, it is necessary to state for several months after this order reached Uitenhage no attention was paid to it by the Landdrost, and when I left the Cape it was, in a great measure, a dead letter.

Again, the Opgaaf or direct taxes used to be paid in April, and the Landdrost in 1822 saw proper to command them to be paid on the 7th and 8th of March, the days settled upon in 1821 when the Hottentots were to pay their first instalment for their corn farm, and before they had got another resource as a substitute for the cutting and selling of wood.

When the Hottentots in 1822 began to build better houses for themselves, a party of them were apprehended cutting thatch, had their guns taken from them and were brought to Uitenhage on charges of killing cattle. This charge could not be supported and they were then accused of killing game ; but neither of the charges admitting of proof, the Landdrost justified himself and calumniated them, by an *ex parte* and unfair representation of the proceedings to the Colonial Office. This conduct of the Magistrate was fully exposed to the Colonial Government, but the Hottentots obtained no redress.

In 1823, in consequence of the visits of His Majesty's Commissioners to Pacaltsdorp and Bethelsdorp and the favorable opinion they expressed respecting these missions in particular and the aborigines in general, these missionary stations enjoyed a respite from the severity of the oppressions they had labored under. This repose and the circumstances that gave rise to it had the best effects upon the Hottentots in stimulating them to further exertions, and it was highly gratifying to observe

the rapidity with which both the people and the village advanced in improvement.

In consequence of the recommendation of His Majesty's Commissioners application was made to the Colonial Government for additional lands to be granted to the increasing population of Bethelsdorp. From the peace the Institution had enjoyed for a season, and from the circumstance that it was known to the Colonial Government that the application in question was suggested by the Commissioners, no doubt was entertained respecting its success. In this expectation, however, the missionaries were disappointed, and while they were looking for a favorable answer, (in July 1824) they received an order from the Landdrost of Uitenhage, informing them that 4,000 acres of grazing lands which had always been possessed by the Institution were to be taken from it and given to a farmer.

Before Lord Bathurst's decision of this affair was known in the Colony an attempt was made by the Colonial Government (and fortunately frustrated) to compel the missionary of the station to collect the taxes of the people and to make him responsible for deficiencies. It was obvious to everyone acquainted with the circumstances of the case, that such a power as that measure must have put into the hands of the Local Authorities would have furnished them with a means of annoyance which must speedily have been employed to the ruin of the station.

While this opposition was making to impede the improvement of the people at Bethelsdorp, the interference of the Landdrost and the other local authorities of Albany reduced the Missionary Institution of Theopolis to the condition of a slave-lodge.

The demands made upon the Institution for forced laborers were incessant, and when these could not be complied with by the missionaries; when they could not send the number or the particular persons wanted, they received threatening letters or were summoned to appear at Graham's Town, as if they had been themselves slaves. These assertions are not made without proofs, having in my possession the original documents to vouch for the statements. At the commencement of this system the demand for Hottentots was made

under the pretext of employing them in Government work only ; but during the time that Colonel Somerset was acting magistrate of the District, Hottentots were pressed from the Institution to serve private Individuals. The wages on these occasions were often a fraction only of what they could have earned, had they had it in their power to bring their service to the best market, and on one occasion 30 men were compelled to serve at Fort Willshire without being allowed any wages, while their wives and children were left without any means of subsistence. On a representation of their case being made to Sir Rufane S. Donkin, the fact was proved and the wages claimed by the people were allowed them.

In 1823 it was proposed to introduce the English language at the Missionary Station at Theopolis ; and the usher of the school at this Institution and a few Hottentot boys were selected and placed under the tuition of Mr. Matthews, a gentleman who kept a respectable boarding school at Salem, fifteen miles distant from Theopolis, and who had kindly engaged to instruct them in the English language with this view. The usher of the school was a respectable young man and was married ; and for the security of the boys' morals this young man and his wife were to have the superintendence of them, when they were under the care of Mr. Matthews.

Shortly after these arrangements became known at Graham's Town, a Fieldcornet seized them and finding they had no passes, (passes not being deemed necessary to children at school) he drove the whole party before him like cattle, being himself on horseback, to Graham's Town, a distance of 17 miles ! Captain Hope, who was at that period Acting Landdrost, being asked by a clergyman of the Church of England how he could sanction such an action, replied " The prison is the only school for Hottentots ! "

In 1825 the industry of the people at Theopolis, the beauty of their rising village, the attendance and admirable order of the school, and the intellectual and moral improvement of the people, excited the admiration of the most respectable strangers and colonists who visited them. The great advances of civilization made in so short a time by this people might have furnished the Colonial Government with a fine opportunity of testifying its approbation as a stimulus to further and general improve-

ment ; but the great and beneficial and moral change effected upon this people called forth from that quarter no expressions of satisfaction, but, on the contrary, was followed by the loss of the most valuable portion of their lands.

Having endeavoured to describe the advantages the Colony has derived from the missions, and the good effects produced upon the Hottentots by the labors of our missionaries, I proceed to notice the usefulness and importance of missionaries on the principle of humanity, and to account for the opposition they have experienced from the Colonial Government.

In proclamations of the Colonial Government and in the official documents of the Government at home, the Hottentots are designated free laborers and British subjects ; but their real condition is that of the most abject and intolerable slavery. The Hottentots not at our Missionary Institutions are compelled to enter into the service of the farmers, and such as are not under contract are treated as vagabonds. When a Hottentot's term of service expires he must immediately report himself to the next Fieldcornet or to the Landdrost of the District ; the Landdrost gives him a pass or certificate in which he is allowed two or three days, or possibly a few hours only, to find a master. If the Hottentot returns within the time limited without a master, the magistrate assumes the power of disposing of him as he pleases ; and if he does not return before the expiration of the term, he is liable to be apprehended, subjected to corporal punishment, and disposed of as the Local Authority of the district may think proper ; they may send him to work on their own farms or give him to any of their friends. It does not unfrequently happen that the Hottentot has no choice in the matter ; his future master is proposed to him, and he is compelled to enter into his service. It is matter of painful regret that this summary method of disposing of the Hottentots is of more frequent occurrence in the English Settlement of Albany than perhaps any other district in the Colony.

Under the operation of this system the Hottentots are not only deprived of any chance for a fair price for their labor, but placed beyond the range of those considerations which afford any security against cruel treatment ; but if on a journey they should happen to lose their pass they may never again

be permitted to visit their homes or their families. The Hottentot returning from a journey on which he has been employed in driving cattle to the Cape Market, or in accompanying a traveller to a particular place in the capacity of a guide or servant, is liable to be seized (perhaps by the very person who has contrived to deprive him of his pass) and on the principle which places the Hottentots in the hands of the Local Authorities of the District and compels them to be in service, he may live many years separated from all that is dear to him, and never again see the face of a relative, wife, or child !

They are liable to the most cruel and degrading punishments. Their masters assume the authority, agreeable to an interpretation of a passage in the proclamation of 1809, of giving them domestic correction, and that correction is often so severe that they are sometimes confined for days and weeks before their wounds will allow them to work. Under the bad usage they receive from their masters, they are ostensibly allowed to complain, but if the complaint is judged to be groundless, which unhappily is too much a matter of course, they are subjected to a severe flogging in the common prison. A master in the neighbourhood of a prison or of a Fieldcornet has only to say that a Hottentot has been saucy or indolent, or that he has disobeyed orders, and on the simple *ipse dixit* of the master, without witnesses or proofs being called for, he is tied up and receives 39 lashes. The punishment is inflicted on the naked body, and it frequently happens that the parts are beaten into a bloody mass, the very fibres appearing to have had their adhesion destroyed.

The pittance allowed the Hottentot among the farmers, in the shape of wages, furnishes no compensation for his labors, and by an ingenuity which seems to have exhausted itself in devising methods of oppressing and enslaving that people, they are made responsible for all the property of their masters entrusted to their care.

If on a journey a Hottentot loses an ox or a sheep, if it is by the severity of the weather, or if he loses a tarpot, a thong, the lash of a whip, or anything belonging to his waggon, it is placed to his account, and instead of receiving wages for a journey or for any given period of servitude, he is generally

presented with an account of losses of this description, which leaves him greatly in debt to his master.

The condition of the Hottentots among the farmers, as it respects his children, is peculiarly hard. If a Hottentot has resided eight years in the service of a farmer and he has a child eight years old which has resided with him that time, if the parents leave the service of that farmer he can detain that child. The farmer can separate from the parents and detain every child that has been on his farm eight years from infancy. Claims of this kind are of frequent occurrence, and they are often enforced under very painful circumstances, and in many cases the farmers do not scruple as to the means they employ to carry their point.

In these cases the farmer detains the child till he is 18 years of age, under the pretext that this service is required for support afforded in infancy. It is well known and a generally acknowledged fact, that the children of the Hottentots seldom receive anything from the farmer. The Hottentots have generally a few cows of their own, upon the milk of which, together with the bulbous roots they collect, with the butcher's meat they are able to kill, they commonly live. Were the case otherwise, and were the labors of the parents and the service of the children not a sufficient compensation for the food yielded them, why compel the Hottentots to serve the farmers on such hard terms, when they can sufficiently provide for their wives and children, if allowed to carry their labor to the best market. If the service of the father is not a compensation for the scanty and coarse provisions afforded his children, why should he be kept from diverting his labour into a channel that would enable him to provide comfortably for his family? Under this oppressive regulation, instances have occurred in which the sons and daughters of Hottentots have been detained by the masters of the latter, whose labor has for years contributed to the support of the families of such masters.

The Hottentot looks in vain for a method to escape from the operation of this cruel law. If by changing his service he eludes the claims of the farmer he falls into the hands of the Local Authorities of the District. His unfortunate situation reminds us of the scriptural saying "If they escape from the weapons of iron, the bow of steel strikes them through." The

pretext that the law is designed to prevent the children of Hottentots from being exposed to the danger of starvation may have imposed upon the distinguished individual under whose authority it was issued ; but everyone acquainted with the state of the colony must be satisfied that it is fallacious and delusive.

The Hottentots at our Institutions not only provide for their children, but it frequently happens that, in addition to their own families, they provide for the needy children of others. This feeling is carried so far that the missionaries are never troubled in providing for orphans, the distant relatives and neighbours of such children being always ready to adopt them and provide for them. Do away with the unjust and oppressive restrictions under which they are placed, and allow them to have the means of obtaining a fair price for their labor, and their affection for their offspring will do all that is required for their preservation.

The semblance of justice given to this regulation, under the pretence that it is intended as an indemnification to the farmer, vanishes before the simple fact that the Local Magistrate may, at his pleasure, even set aside the claims of the farmer and dispose of the children to others, a case which often occurs, without allowing the legal claimant any remuneration. According to this proclamation, not only is the child to be apprenticed to the person who has maintained it and with whom therefore the parents have lived eight years and upwards, and to whom perhaps they might feel less repugnance, but, as if it were determined to place the whole Hottentot population at the mercy of the officers of Government, and, at all events, to oppress that people, it is thus provided in the last clause of that article : “ That the Landdrost shall have it in his power to set aside the claims of the farmer on whose premises the child has lived, and give it to any other person he pleases.”

No notice whatever is taken by the Colonial Law, let it be observed, of the Hottentot parents ; the Landdrost is authorized to take away their children, and that too without the least regard by the Colonial Government to the feelings, to the rights of the parent over his offspring, or of the feelings of a child in this forcible abstraction from its parents.

Under oppressions so impolitic, so odious, and so unjust, it

is obvious that the Hottentots never can acquire property, which is the basis of respectability and necessary to the protection of a people stripped of their lands, of their cattle, and of their civil liberty ; they are incapable of emerging from their present degradation or from ever recovering, even by the fruits of their industry, one inch of the soil which was the property of their fathers. To render any class of people useful and industrious cultivators of lands, it is necessary that they should be placed upon a parity with their neighbours in point of security to their possessions and the power of disposal ; any local restraints or invidious distinctions preventing them from bringing their produce to market and selling it at the average prices of the district, would virtually make null and void the benefit of holding land were the right of doing it fully assured to them.

The Hottentots are entirely in the hands of the Local Authorities of the Districts in which they reside. Unless they belong to a Missionary Institution, they are compelled to be in the service of the farmers. At the pleasure of the Landdrost, they are liable to be dragged from their families to fill up the Cape Regiment or to work for months at any place in the District where he may choose to employ them for the most trifling wages, or no wages at all. If they are found beyond the limits of their master's grounds without passes, they are liable to be apprehended and treated as vagabonds or deserters. On the present system they may be flogged and imprisoned at the caprice of the Local Authorities of the Districts without even the form of a trial, without any definite charges being brought against them, and without the means of obtaining redress. The Local Authorities of the Colony have it in their power to enter their huts, seize their children, and give them to whom they please, without consulting the inclinations of their parents. It would be insulting the misery of a man in prison to inform him there was no law prohibiting him from walking abroad, under such restrictions and oppressions as have been enumerated, it is a mockery as cruel to tell the Hottentots they may hold land, as it is to say they are a free people.

After perusing these statements I am satisfied the Directors must have anticipated me in what I have to state as to the real

cause of the opposition against which our missions have to contend.

Under the Dutch Government at the Cape of Good Hope there was little that we can praise ; but the oppression of the Hottentots was not so general even under that Government as it has been since the Colony fell into the hands of the English. Under the old Government the Slaves were obtained for a trifle, two hundred and fifty rixdollars was the common price of a slave ; and in consequence of the low price of slaves they swarmed in every district of the Colony, and the Hottentots were neglected and left to wander about, following their cattle from one district to another. Within these twenty-five years there were several Hottentot kraals on the River Zonderend, within a hundred miles of Cape Town. In Uitenhage and other districts the case was the same. How does the case now stand ? The price of slaves is so high in consequence of the abolition of the slave trade that the farmers are in few instances able to purchase them. In the course of twenty-one or thirty years the colonial population has been nearly doubled, consequently to supply that population with substitutes for the slaves, double the number is wanted ; slaves cannot be got, and the Hottentots are seized and reduced to a state of slavery, greatly aggravated by the humane measures of the British Government in the abolition of the foreign slave trade.

Oppressed as our Missionary Stations have been by the selfish and arbitrary proceedings of the Local Authorities, those stations are to the Hottentots houses of mercy, the only asylums in which they can breathe the air of liberty or indulge a feeling of security. At a Missionary Institution he can choose his own master, he can hire himself to serve another, or he can employ others in his own service. He can, generally speaking, command a reasonable remuneration for his labor, and the bare circumstance that he belongs to such an Institution will frequently protect him from many gross injuries. The missionary is the only one to whom the Hottentot can look up for counsel, for sympathy, and protection, and a Missionary Institution is the only place in the Colony where he can feel that he is a husband and a father, and where he can enjoy the society of his children, without the constant apprehension of having them forcibly taken from him.

A Farmer living in the neighbourhood of Zuurbrak, Caledon Institution, pointing one day to ten fine boys driven with their parents from that Institution, remarked to me : " These children are my treasure, they will cultivate my farm, they will serve me instead of slaves, I shall have them all bound to me till they are twenty-five, and perhaps till they are twenty-nine years of age." Had these children with their parents been permitted to remain at a Missionary Institution, this farmer would have had no claim upon them.

The existence of our Institutions under the Opgaaf, or Direct Taxes, is a striking proof of their importance in the estimation of the Hottentots. This oppressive tax often amounts to one fourth, one third, and sometimes one half, of their whole wages ; and although they might be free by declaring that they did not belong to a Missionary Institution, they would make any sacrifice rather than renounce the privileges these stations afford them.

While the scarcity of servants, the high price of Slaves, the impatience of control, and the power of avarice in a slave colony are sufficient to account for the opposition made to our missions and the present abject state of the Hottentots, it is to be hoped that the English Government, which has heard the groans of the injured negroes, will have compassion on the enslaved Hottentots, confirm to them the privileges they enjoy in our Missionary Institutions, and restore to them those civil rights of which they are so unjustly and, contrary to the apparent intention and open declaration of the government of the country, actually deprived.

Further, while it is admitted by all acquainted with the real state of the Hottentots, that their condition is much worse than that of the slave, it is an aggravation of the cause of that oppressed race that they are held in this state while there are no legal interests, no parliamentary enactments, to oppose the amelioration of their condition. Their oppressors cannot plead that the Hottentots are their property, that they have laid out their money to purchase them, and that their purchases have all the validity of Parliamentary sanctions ; they themselves assume the contrary. The Hottentots are proclaimed a free people, and as all title to them as property is disclaimed, Government has to follow the dictates of equity.

It does not fall within my province to suggest any specific legislative measures in behalf of the Aborigines of South Africa, nor have I any inclination to interfere in such matters. I would merely ask that the Hottentots and Bushmen should be placed under the protection of the same laws as the Colonists. The benefit craved in this instance is the liberty of living according to the Colonial law, whatever that may be ; for I am fully convinced there are no advantages that can be imparted to the Colonists which the Hottentots may not, with entire safety to the state, enjoy.

There is no class of people in the Colony on whose loyalty more dependence can be placed. The farmers have been in rebellion and the slaves have been in a state of insurrection, and both have been put down by the Hottentots. The farmers may again be in rebellion and the slaves may again be in a state of insurrection ; but from the Hottentots such a danger can never arise. Independent of the condition of the Hottentots, the very elements composing the Hottentot character are sufficient securities against the probability of any bad consequences arising from the act which confers upon that injured people their just rights. There is a mildness in the character of the Hottentot, an hereditary reverence for authority, a kind of constitutional loyalty, that can never be drawn into rebellion under the mild rule of the British Government.

The prohibition and the whole power of the Colonial Government has never been able to prevent the Boors and the English Settlers from carrying on a contraband trade with the Caffres ; but no Hottentots, although their facilities for carrying it on have been great, have ever been found engaged in this traffic. I know of no species of freedom with which the inhabitants of Great Britain may be safely entrusted which may not with equal safety be conferred upon the Hottentots. I am not, however, discussing the degree of freedom to be bestowed on them ; I request merely that they may be put upon the same footing with the Colonists ; and it will surely be granted that they have a right to the protection of law against the system of slavery, of oppression, and injustice, of which they have for many years been the miserable victims. I am borne out by experience and fact in saying that no perma-

nent amelioration of their condition is to be expected from any mere recommendations of the Local Authorities of the country. They have at this moment a greater interest in oppressing the aborigines of the country than the Colonists have, and justice and humanity have nothing to expect from the generality of men when their interest and their duty are found taking different directions.

The Governor can have no necessary personal interest in oppressing the Hottentots ; but he is obliged to use the ears and eyes of those around him, and he would require more than a common share of perspicacity and firmness to see through their fallacies and resist their influence, were he fully disposed thereto ; and as a proof of this it may be stated that some of the best governors who have been at the Cape have, inadvertently, been induced to lend their sanction to the most oppressive measures adopted against this people.

There have been Governors at the Cape who have manifested a friendly disposition to the missions and to the improvement of the Hottentots, and who, no doubt, possessed the disposition requisite for conducting the Government of the Colony on principles the most favorable to the aborigines of the Colony, had they been placed in more favorable circumstances ; but the necessity the Governors of this Colony have hitherto been under of receiving their information at second hand, the methods employed to conceal the real state of the natives from all except the initiated few, the shortness of their respective administrations conspiring with other circumstances to keep them from acquiring the knowledge necessary to enable them to make any alteration in the old system, the manner in which the Governors of this Colony have hitherto been fettered by those whose official situations and local information enable them to carry their measures either by authority or by address, the attempts constantly made by interested men around to prejudice their minds against the aborigines and against all attempts to improve them, the clouds of misrepresentations they had to see through to get at the real state of the Hottentots, and the powerful confederation they had to oppose (having all the Colony leagued against them) in their attempts to better their condition, the circumstance of the aborigines having no representative about the person of the Governor to plead

their cause and to counteract the insinuations constantly employed against them, the unanimity of sentiments and feelings among all the Colonists on this point, and the desire of the Governors to please this privileged and all powerful class, and the difficulty there is of always reconciling particular regulations with general principles, will sufficiently account for the manner in which men of the best intentions have been prevented from rendering any permanent and real service to the enslaved people.

The Hottentots despairing of help from every other quarter now look to the justice and humanity of England for deliverance, and they justly and humbly ask why they may not, like the Colonists, be allowed to bring their labor to the best market? Why they should be compelled to labor for two or three rixdollars (equivalent to three or six shillings sterling money) per month, when they might be receiving twenty or twenty-five rixdollars per month, if permitted to dispose of themselves as a free people? Why they may not be exempted from the cruelties exercised upon them without any form of law? Why they should be liable to be flogged in the public prison upon the mere *ipse dixit* of their master? Why, on complaining of bad usage to a magistrate, they should be put in prison until their master appear to answer the accusation brought against him; and why they should be flogged if their complaints are held to be frivolous? Why they should be liable to punishment at the mere caprice of a magistrate, and without any trial? Why they should be made responsible for the loss of their master's property, and thereby kept in perpetual bondage? Why they should be treated as vagabonds and be liable to be disposed of at the pleasure of any local authority in whose district they may reside, if they do not hire themselves to a master? Why they should be given to any master by such an authority without having been consulted on the subject? And why they should be liable to have their homes violated, their children torn from them and from the arms of their distracted mothers, and disposed of according to the caprice or the interest of their employer, or of a Colonial authority, without having the smallest chance of redress?

The interest of the Colony cannot require that such a system of cruel oppression should be continued, and it is impossible

that the justice, the humanity, and the magnanimity of the British Government can suffer longer that evils so enormous should exist in any of its foreign dependencies.

To allow the Hottentot the power of carrying his labor to the best market is one of the first steps necessary in attempting to elevate the Hottentot character, to undermine the system of slavery, encourage the increase of free laborers, and give a healthful stimulus to the industry of the Colony. Some of the evil effects of the present system have been strikingly exemplified since the arrival of the Settlers in this Colony. On many accounts it is the obvious policy of Government to encourage free laborers; but free laborers can have no encouragement while the Hottentots are compelled to serve at such low wages. Blacksmiths and carpenters may find a return for their labor in the existing state of things; but the Local Authorities of the Districts and their friends will not give a sufficient remuneration to the free laborer while they can compel the Hottentot to serve them for a trifle. On this very principle the Landdrosts of Graham's Town have for years been in the habit of ordering Hottentots from Theopolis for public work and paying them with a trifle, while the poor settlers were in want of encouragement in Albany, wandering over the Colony in quest of bread, or taking refuge in Cape Town.

Were it admitted as a settled principle that the Hottentots have no constitutional rights and that they are *bonâ fide* the property of the Colonial Government, it would be as inconsistent with sound policy as it is with the principles of justice to place them at the disposal of the Local Authorities and subject them to the treatment which they now receive from those authorities. Considering the Hottentots simply as property, it is the interest of the proprietor to raise the value of that property as much as possible, and no mode of farming it out can be more opposite to the true interest of the Colony, or more calculated to depress its value, than the present system of the Colonial Government.

The abettors of the present system never seem to have thought of giving up present advantage for future gain, nor to have contemplated the aborigines of the Colony as consumers, nor in any other light than as laborers, and as furnishing a present accommodation to their masters.

It is obvious that while the Hottentots remain in their present degraded and wretched state their condition must have a depressing effect on the industry and morals of all ranks of the inhabitants, but by elevating them above their present level, the whole colony will be elevated along with them.

The legislative enactment which converts any portion of men into slaves reduces the masters to the condition of tyrants ; and the law which breaks the chains of slavery and takes the whip from the hand of the master does as much for the improvement of the one as it does for the comfort of the other.

While the Boors of this country are surrounded with so much idleness and wretchedness, any attempt to elevate them will prove ineffectual ; and the plan recommended is the only one by which this idleness can be cured and this scene of wretchedness removed.

The different members of a state have been justly represented by the members of the human body ; it may be truly said if one member suffers all the members of the body suffer, and if one member is diseased all the body is affected by its sympathy with this particular member. In allusion to this figure, the Hottentots may be called the feet ; but I may be allowed to ask the question, if the feet are in a state of mortification what becomes of the health of the body ? Can the sons of a farmer be industrious ? can his daughters be uncontaminated ? can his house be clean, or can it be anything but filthy ? And can the state of his family be anything but disgusting while he continues surrounded with a naked, filthy, and degraded race of human beings ?

The filth and indolence of the Hottentots have become proverbial ; but those, like the other vices of which they have been accused, arise out of their situation. When a people are oppressed and miserably poor, they are invariably a dejected people, and indolence and filth are the inseparable attendants of dejection. Precluded from entering into a Missionary Institution, the Hottentot has no city of refuge provided for him. Even the common slave may entertain the hope of being one day free, but the Hottentot has no such prospect to cheer him under his oppression ; his slavery can never terminate but with life ; the grave is the only place to which he can look

forward "where the weary are at rest and the wicked cease from troubling."

By the elevation of the laboring classes, respect is conferred upon labor ; it is stript of the degrading associations connected with it while performed by slaves only, and this change operating on the sentiments of the Colonists must be followed by the happiest effects on their industry. When the Hottentots are raised to the rank of freemen, in lieu of the lazy superintendent engaged in active exertions a few days at the seasons of sowing and reaping, or in hunting excursions, the Colonists, and their families, like their industrious ancestors, will shortly be converted into industrious farmers. The general course of daily occupation throughout the Colony of bawling out to a few poor wretched Hottentots to do all they require, which is so often noticed to the disgrace of the Colonists, will gradually be exchanged for those habits by which the several members of the families of the Colonists will be industriously employed in all the labors of the farm. It has been shewn that the oppressions of the Hottentots have been greatly increased in consequence of the abolition of the foreign slave trade, and it is evident from the rapid increase of the Colonial population and the natural result of that increase, an increasing demand for laborers, that the condition of that unfortunate people must every day get worse, unless protection be extended towards them and they are put in possession of the blessing of freedom as well as the name.

"Of all the causes which tend to generate prudential habits among the lower classes of society," says Malthus, "the most essential is, unquestionably, civil liberty."

"No people can be much accustomed to form plans for the future who do not feel assured that their industrious exertions, while fair and honorable, will be allowed to have free scope, and that the property they either possess or may acquire will be secured to them by a known code of just laws, impartially administered, but it has been found by experience that civil liberty cannot be procured without political liberty ; consequently political liberty becomes almost equally essential ; and in addition to its becoming necessary in this point of view, its obvious tendency to teach the lower classes of society to respect themselves by obliging the higher classes to respect

them, must contribute greatly to aid all the good effects of civil liberty."

While the present system continues it is in vain to hope for any improvement in the character of the Hottentots, as a body, in the morals of the Boors, or in the social habits of their families. The peculiar vices of all ranks of the inhabitants are the vices of the system, and though they may survive it they cannot be expected to die before it. Let justice be done to the Hottentots, and you will confer incalculable benefit on those who oppress them.

If it cannot be expected that Government should restore to the Hottentots their lands and their cattle, we may reasonably indulge the hope that it will feel the necessity of protecting them against the oppressions of the Colonists; command them to be treated as human beings, and impart to them civil rights, that it will not rely on the representations of the Colonists, whether magistrates or others, who are interested in continuing them in their present state of slavery and in keeping up that cruel monopoly of their persons and services which they still strive to maintain, that it will secure to them the power of bringing the produce of their labor to the best market, that it will take its stand upon the broad principles of truth and justice, and from that eminence hold out its incentives to virtue, only, and its discouragements to vice, that it will give to the Hottentots all the powerful stimulus arising from the elevated cares of a family, the due exercise of all those powerful energies which arise from seeing the support, the lives of their children dependent upon their labor, that it will direct that the churches of the Colonists be thrown open for their devotional exercises, enjoin the ministers of the Colony to recognize them as a part of their charge, and at the same time not to permit this to interfere with the self denied labors of those who are willing to impart the first elements of instruction, and when those invidious distinctions, which mar all fellowship but that which arises from a partnership in vice, are done away, the loathsome appearances which now deform the face of African Society, and which indicate a rottenness deeply seated in the core, may be expected, under the impartial administration of equal laws, the fostering wing of the British Constitution, and the purifying influence of

Christian instruction and evangelical ministrations, gradually to pass away along with them.

It has, I trust, been satisfactorily shewn that an improvement in the condition of the Hottentots is necessary to the well being and happiness of the Colony, and it scarcely requires proof that to do justice to one individual or to one class of the community is to do justice to all. South Africa never can be happy while its aboriginal inhabitants remain in such a degraded state, and their colonial masters will cease to have occasion to complain when those whom they now oppress are put in possession of their just rights.

(Signed) JOHN PHILIP.

LAYTON, November 1826.

[Annexure No. 2.]

Remarks on the Opgaaf, with the Correspondence between Colonel Cuyler and Mr. Read, then Missionary at Bethelsdorp, in 1814 on that subject.

The proclamation of Sir John Cradock regulating and fixing the rate of the Colonial Taxes was published on the 1st of April 1814, and the first intimation to the Missionaries at Bethelsdorp, informing them that the Hottentots in the Missionary Institutions were to be taxed on the same principle and according to the same rate with the Colonial Inhabitants, was communicated to them in a letter from Colonel Cuyler to Mr. Read, dated September 27th 1814. The manner in which the Hottentots were collected under Doctor Vanderkemp is well known. The Institution at its commencement was composed of Hottentots who were previously in a savage state and who lived chiefly on plunder. Bethelsdorp and Theopolis were till lately one Institution, and the wandering Hottentots collected in this way, and their children, together with the aged and infirm who may have been worn out in the service of Government and amongst the Farmers, constitute the great body of the people at both stations. The Hottentots have no land, if we except the grounds on which the Institutions stand, and from the manner in which these lands are given and the tenure by which they are held, the Hottentots cannot be considered as really possessing them. The lands of Bethelsdorp

were given to Dr. Vanderkemp for the purpose of beginning an Institution to attempt to reclaim and civilize the wandering Hottentots then occupying the district of Uitenhage. Bethelsdorp is itself a sterile and I may say a worthless place. It was not, as has been erroneously stated, the selection of Dr. Vanderkemp, it was pointed out to the Doctor as a temporary residence till a better place should be assigned him, but the promises of the Colonial Government were never fulfilled, and the Doctor's attempt to procure a place more eligible proved fruitless. This mission has been continued at *Bethelsdorp* by the *will* of the Colonial Government and contrary to the wish of the missionaries. In fact it is evident from the letter of Sir John Cradock to Mr. Campbell and from the whole of the conduct of the Government towards Bethelsdorp and the other Institutions, that it was the design of the Colonial Government that the Hottentots should not be in situations where they could make any independent provision for themselves, or be anything else than servants to the farmers. The correspondence between Mr. Read and Colonel Cuyler is here subjoined, that the subject may be seen in all its bearings, but as it is my intention that the subject should be understood without the necessity of going into the whole of the correspondence, in attempting this I must be allowed to make a few extracts from the letters, on which I shall take the liberty of making some comments. Mr. Read, finding that it was determined that the Hottentots at the Institution should be taxed according to the rate fixed for the Colonial population, after apologizing for what he was about to say, goes on to state his objections as follows: "In the first place, we are sorry that the year has very far elapsed before this information has been communicated. The scarcity of the times is well known in this part of the country, the failure of our last harvest, the loss of five hundred head of cattle towards the end of last year and the commencement of this, owing to the want of grass, renders the people quite unprepared for such an opgaaf. The scattered state of our people is likewise a very unfavorable circumstance; so that we fear before the present opgaaf could terminate the one for 1815 would commence, so that in about six or seven months nearly 7,000 rixdollars will have to be paid, a thing we believe impossible."

Having stated the above objections, he proceeds in his own name and in the name of his fellow laborers to make the following equitable requests, "Another circumstance we hope Government will take into consideration, viz. that Bethelsdorp has always been a receptacle for poor and helpless people from different parts of the country. The people have been in part supported by collections made on Sundays by the instructed Hottentots, till some months ago when their numbers and circumstances became so distressing that we were obliged to have recourse to our friends at the Cape, to whose liberality we are greatly indebted. The number supported either by public or private charity is upwards of 36, besides orphans. We hope the Government will exempt such characters from the required opgaaf. In the return of cattle which we had the honor to transmit to you were included the cattle belonging to the Missionary Society, as likewise the cattle belonging to the Missionaries allowed by the Society for their (the Missionaries') support. We humbly hope that Government will exempt the Missionaries from the payment of the above Opgaaf, otherwise they will have to apply to the Society for additional support."

To the statement and to the requests Government made the following reply :—

"His Excellency sees nothing in Mr. Read's communication which should prevent the Missionary Establishment at Bethelsdorp from paying the same proportion of taxes which is charged to the other inhabitants of your district." (See Letter from the Deputy Colonial Secretary November 23rd 1814.) Saying nothing on that part of Mr. Read's plea respecting the sick, the aged, the infirm, and even the orphans, with the other circumstances, only, of the case before me, I am not a little surprised that the Government should have come to this conclusion and that such an answer should have been sent to the remonstrances of Mr. Read. Allowing that land, movable property, and wages are legitimate subjects for taxation, on what principle can it be affirmed that people without any land excepting the sterile ground allowed for a Missionary Institution, and without any movable property bearing any comparison with the property in the district, should be assessed according to the rate at which the Boors are taxed, and that a

people not possessing one eightieth part of the land of the District, even allowing them to have the land of the Institution as their property, should be compelled to pay one twelfth or one fourteenth part of all the taxes collected in that district ?

The injustice of this tax will be still more evident when the amount of wages received by the Hottentot is compared with the sum of money he is required to pay in direct taxes to the Government. In 1809, in the official report of Colonel Collins to Government, he states that in the distant parts of the Colony a male Hottentot receives no more in the year than twelve or fourteen rixdollars, which may be paid to him in money, in clothing, or in cattle; a female obtains much less. In 1815 no addition had been made to the wages of the Hottentots, and it will be seen before this statement is closed that the wages amongst the farmers, even in the heart of the Colony, and not two hundred miles from Cape Town, are still paid with very little alteration in the rate. By the roll of the Opgaaf now lying before me for 1815, I find that the number of Hottentots at Bethelsdorp who paid the Opgaaf that year amounts to 426, and that the whole sum collected by the Opgaaf amounts to Rds. 3,415 5 sks. 4 sts. Three thousand four hundred and fifteen rixdollars five schellings and four stivers makes the proportion paid by each individual eight rixdollars and $\frac{5}{6}$ or five parts of a stiver.

Is there any proportion between 12 and 14 rixdollars yearly, which is the wages of the Hottentots, and the burthen borne by that individual when he has to pay Rds. 8 0 0 $\frac{5}{6}$ of that sum to the Government in direct taxes.

The following statement may be introduced here to anticipate any remarks which may be made respecting the resources of the Hottentots in order to lessen the oppressive character of this tax. It is taken from a letter of Dr. Vanderkemp to the Colonial Government, dated 3rd April 1807 :—

“The number of Hottentots belonging to the Institution since 1802 (including women and children) is 1,267. From these deduct 300 who are at Bethelsdorp, 50 who may be now in the military service, a few who died or lately emigrated to Caffreland, and the remaining, at least 900, will be found among the Boors.”

I have no statement of the same nature down to 1814, but as

no new means of subsistence were furnished to the people in the intervening period, we are warranted in concluding that Bethelsdorp furnished as great a proportion of its inhabitants to the Boors in 1814 as it did in 1807. Deducting the 50 accounted for by death and emigration 1,217 remain; 50 of these are in the army, were healthy, and principally young men; such a proportion must have had a depressing influence on the Institution.

Recollecting that those employed in the Cape Regiment generally leave their wives and children and all their infirm and aged relatives at the Missionary Institution, we cannot suppose that there could be many effective men in the 300 mentioned by Dr. Vanderkemp as having been left at Bethelsdorp. Taking all these circumstances into consideration, and admitting that the statement of Dr. Vanderkemp in 1807 may be taken as a standard for 1814, it is matter of surprise how a people receiving from 12 to 14 rixdollars only per annum, could afford to pay within a few months the Opgaaf for two years, amounting to Rds. 16 0 1 $\frac{4}{6}$.

It is not surprising that Mr. Read should have declared on the proposal of the Opgaaf that it was impossible, but the wonder is that the Government should think it possible!

The following letter from Mr. Joubert, Missionary at the Institution belonging to the South African Society in the district of Swellendam, will set this matter in a clearer light than any reasoning which can be employed on the subject:—

Extract of a Letter from the Missionary P. S. Joubert,
dated Zoar, 27th June 1822.

“ We are here at present in a very distressing situation, the half of the inhabitants having been unable to pay their tax to Government they are all appointed to appear at the Drostdy the 2nd of next month in order to pay the Taxes with a fine. A single person must pay Rds. 7 4 0, and a married couple Rds. 10, or in case of inability to pay to go to prison. If our crops should fail a second time a famine will be the dreadful consequence; this certainly will not be half of what we deserve, but I hope the Lord will remember us according to the abundance of his mercy. Wheat is not to be procured here for less

than 30 Rds. per muid. Rye is 20 Rds. and barley 10 Rds., and the pay of the Hottentots is 12 schellings to 2 Rixdollars per month.

“(Signed) R. METELERKAMP,
“Secretary to the South African Missionary Society.”

To the facts brought forward and to the remarks made upon them I may add that this Tax is limited in its operations to the Hottentots at the Missionary Institutions, and that it is a direct tax upon the Institution from which the Hottentots who are amongst the farmers and those who are not members of a Missionary Institution are exempted. Were this tax levied upon those Hottentots only who have procured waggon or who had other means of making money besides what is to be made in the service of the farmers, it would be liable to less objection ; but what can be said in favour of a tax which is made to bear with such an oppressive weight upon the Hottentots belonging to our Institutions while others are exempted from its operation ? Why single out the poor creatures who have their names on the roll of a Missionary Institution as the only victims ? Does this look as if the Government intended to favor the religious instruction and civilization of the Hottentots ? In this instance the Colonial Government, so far from appearing to favor Missionary Institutions, would seem to us, were it not for the charity which believeth all good things of our Rulers, to have intended entirely to crush them. Mr. Joubert having mentioned that the Hottentots of his Institution were summoned to the Drostdy on the 1st July 1822 to pay the Opgaaf, adds that in default of payment they must go to prison. Looking over that letter and remarking that half the people of the Institution were unable to pay their Opgaaf, a question will naturally arise, what is Government to do with these people ? How is payment to be enforced, and what good can be done by sending so many people to prison ? This mystery will be explained by a very few words. When the people are called to the Drostdy and cannot pay their taxes, there are always a number of Colonists present who are ready to pay their taxes for them. The Hottentots having no alternative but to go to prison or enter into the service of the Boors *on their* (the Boors') *own*

terms, generally prefer the latter. It is unnecessary to attempt to prove that it is not the intention of the Local Authorities on such occasions to fill the prisons of the country ; and whether it were the original intention of the Colonial Government to oppose the Institutions and force the Hottentots into the service of the Boors by this tax, there cannot be a question but that its direct tendency is to do both.

It is impossible to look at the retrospective operation of this tax, at the mode of its collection, at the calling in the commencement for two years taxes within a few months, at the disproportion there is between the property and the wages of the Hottentots and the amount of the taxes required from them, at the partial manner in which the tax is levied, confining it to the Missionary Settlements, and the consequences resulting from it as exhibited in Mr. Joubert's letter and in the remarks in the concluding part of this Article, and not ask the question, as it concerns the Hottentots, which is greatest, the injustice or the impolicy of this obnoxious tax ?

(Signed) JOHN PHILIP.

[Annexure No. 3.]

Observations on the effect of guaranteeing the civil freedom of the Aborigines of South Africa, on the price of labor in the Colony of the Cape.

While the present system under which the Hottentots are suffering must have a discouraging effect upon the increase of free laborers in the Colony from Europe, it presents a barrier which prevents the Aboriginal Inhabitants beyond the Colony from entering into the service of the Colonists. The love of liberty is as strong in the Natives of South Africa as it is in the inhabitants of this country, and many of them would suffer death rather than be reduced to that state of slavery under which the Aborigines within the Colony are placed. A party of wild Bushmen on one occasion came to make war upon one of our Missionary Stations. Being interrogated as to the grounds of their intended aggression, they stated that one of their chiefs had lost one of his sons, and that they had been told that he was in a state of slavery at that station,

and that they had come to demand his liberty. The missionaries informed them that the boy was not in slavery and that he was at perfect liberty to accompany them if he pleased. On being presented to his father he declared in the hearing of his own people that he was not treated as a slave, that the missionaries had never attempted to detain him contrary to his will, and that it was his wish to be allowed to remain where he was. With this declaration the father instantly declared himself satisfied. He said he had been told he was a slave, and if that had been the case he had determined to fight for his liberty; but as he found he was treated as a free man he left him to his own choice, either to accompany him or to remain where he was. Previous to the arrival of the Deputation from the Society in South Africa the missionaries sent from Europe had been prevented from proceeding to the place of their destination beyond the Colony, and every means was now used to persuade the writer of this article to remove the missionaries at Griqua Town and to bring them into the Colony. The reason assigned for this proposal was, that if the missionaries were brought within the Colony the people would accompany them. At this period I had been but a short time in the Colony, and knew very little of the state of the aborigines, and the noted Africaner being then in town, I stated to him that the Colonial Government was anxious that all the missionaries, with the people under their instruction, should come within the limits of the Colony and that I should be glad to hear his opinion upon the subject. To this proposal the chief made the following reply: "I have no objection," said he, "to be under the British Government, but I never can consent to live in the neighbourhood of the farmers. Let Government point me out a situation where I can live with my people at a distance from the Boors, and I shall accompany you to that spot. I and my people are willing to serve the English Government, but we are not willing to be slaves. Namacqualand is a desert country, it is hard living in Namacqualand, but I would rather bear any kind of hardship in the wilderness from the hand of God, than be subject to the continued and degrading vexations I should have reason to apprehend from the tyranny and injustice of man."

In a report of Colonel Collins dated 1809, among other suggestions for the improvement of this Colony he recommends that Missionary Stations should be encouraged beyond the Colony with a view to civilize the natives, and that when they are civilized they should be taken and distributed among the farmers. Our present business is not with the morality or the policy of the plan proposed, nor is it with us a question how far the Government has tried to act upon the principle, but this is certain, that if the Aborigines within the Colony were made free, compulsion would not be necessary to bring into the Colony the greater part of the people at our Missionary Stations beyond it.

What I have described as the condition of the Hottentots, it ought to be remembered, is the condition of all the various aboriginal tribes of South Africa within the Colony, including the Caffres, the Bechuanas, the Bushmen, the Corannas, and the prize slaves. They are all placed under the same system of oppression, and the enactment which should place them under the same laws with the Colonists would remove the chief obstruction which keeps the tribes beyond it from coming into the Colony to procure a livelihood in the capacity of servants.

While the present system continues, the want of laborers must be increasingly felt, or illegal methods must be had recourse to to obtain them, but if they are made free like the other Colonists and like them protected in their rights, in their persons, and in their property, the illegal measures we deprecate will be prevented, and the Colonists will soon find that South Africa is able to furnish a supply of laborers equal to their utmost demand. The people now rendered comparatively worthless by oppression will rapidly increase in numbers and in value, and many who are acquiring a taste for civilized life by their connexion with our Missionary Stations will prefer labor with a state of freedom within the Colony to the unprotected situations in which they are placed in their present circumstances.

By protecting the freedom of the aborigines of South Africa and putting them on the same footing as free servants in England, it would be possible to abolish slavery and enrich the Colony, without injuring the property of the Colonists. A plan of this nature will require time to operate, but the success is

certain. A young man, a Bechuana, in my service in Cape Town returned to his native place with me on my journey. When he appeared among his countrymen they crowded about him, asked him whether he was free, how he obtained his gun and clothing and beads, and whether he meant to return with his master? After having satisfied them that he was a free man, that he acquired his property as the reward of his services, and that he would not remain among them if they would make him a chief, dozens of the people crowded about me, pressing me to accept of them and take them with me.

The aborigines of this country in general are fond of society, they talk incessantly, and among a strange people who are not acquainted with their language they naturally dislike being alone, because they can have no society in the families of their masters; but if they are induced to come into the Colony in families and allowed to settle in this manner, the number of families will speedily increase and the price of labor and of slaves will soon fall. By the adoption of the liberal system I am recommending such of the Bechuanas as may have acquired property in the Colony will visit their friends, individuals of them may remain, but the greater part will return to the Colony and bring many of their friends and acquaintances along with them.

The great bane of the Colony of the Cape of Good Hope is the high price of labor, the price of slave labor there, including the original cost as well as keep of the slave, is equivalent to three times the wages of labor in England, and for a blacksmith or carpenter the employer has to pay 3 rixdollars, 3½, and 4 rixdollars per diem. While the price of labor continues so high, the proprietor cannot avail himself of the capabilities of his property, and the value of land can never be improved. The produce of a farm in favourable circumstances cannot do more than defray the expense of the labor, and while this obstacle to improvement exists vast tracts of the Colony which might be brought under cultivation must be waste. By the general introduction of this species of labor, the slave proprietor will soon discover that the money laid out in the purchase of slaves is unproductive. He will be able to get as much labor from a free man as he would obtain from the slave for the mere food and clothing he allows the latter, and he will no longer be

a purchaser, and if there are no buyers there will be no sellers. On a superficial view of the subject, it may be thought that this system would destroy the property of the slave proprietor, but it should be recollected that the value of land will rise in the same proportion as the price of labor diminishes. Under this new state of things, should it happen that a few individuals may be losers, the great body of the Colonists will have ample compensation for the low price of their slaves by the advanced value of their fixed property.

Emigration to the Colony of the Cape will, of course, increase the population, but it will neither lower the price of labor nor reduce the number of slaves.

All Englishmen and indeed every description of Europeans, have an insuperable objection to labor along with slaves. Such of them as remain steady and industrious generally marry with the families of the Colonists and become masters, and increase the number of proprietors and eventually the price of labor. Such of them as acquire bad habits from slave connexions merely live to gratify their vicious inclinations and increase the number of the slave population. To this latter class, I am sorry to say, belong the greater proportion of those who have been brought to this Colony on speculation.

By adopting the liberal plan recommended towards the Hottentots, an objection which has been brought against our Missionary Institutions, that we train up the Hottentots as a separate people, will be removed, together with the necessity of such Institutions themselves. The Missionary Institutions in South Africa are the only places where the aborigines of the country have a shadow of protection, and where they can claim an exemption from the most humiliating and degrading sufferings; but when the British Government shall afford them the protection of equal laws, our Missionary Institutions will be no longer necessary as houses of refuge, and the people, now living as a separate people, will become amalgamated with the other parts of the Colonial Population.

In the present state of South Africa nothing can be more delightful to the eye of the Christian Philanthropist than the appearance of our Missionary Institutions: you see in them embodied every species of benevolence. Here you behold the modest almshouse erected as a shelter for the houseless and

destitute. Here you may witness a people who were lately in a savage state meeting weekly to find means to support the aged and infirm who have been worn out in the service of the colonists or of Government. Here you may observe those who have had their constitutions injured or their limbs mutilated by cruel treatment, and who could get no redress for their grievances, soothed by the attention of Christian sympathy. Here the children have it in their power to protect and honor their aged parents, here the parents may enjoy the society of their children without the apprehension of having them forcibly torn from them, or being condemned to see them beaten and trampled upon without daring to complain. Here the young female may grow up under the ameliorating influence of a virtuous culture, without being exposed, as when placed in compulsory service, to inevitable ruin. Here you may see a class of beings who were treated as if they had not belonged to the human race, and as if their superiors had received a divine right to oppress them, sitting every man under his own vine and his own fig-tree, none daring to make him afraid. But it is the cruel oppressions under which these people labor which makes such asylums so necessary as they now are. Do away with these oppressions, allow the people to have a fair price for their labor and to settle as free laborers in any part of the Colony they may choose for their residence, and the people themselves will prefer the advantages of a residence among the inhabitants as a free people to their present straitened condition at our Missionary Institutions, where they must always find it difficult to obtain the means of subsistence.

(Signed) JOHN PHILIP.

The Baron de Richmond, after returning from visiting the interior of the Colony, remarked to the writer, "Till I visited your Missionary Institutions I had no idea of their nature and importance. I considered them as schools of instruction merely; but they combine in themselves all the claims of all the religious and benevolent societies in Europe. They are the only asylums the poor wretched aborigines have from the most cruel oppression."

[Office Copy.]

Letter from R. W. HAY, ESQRE., to BARON DE LORENTZ.

DOWNING STREET, 23 January 1827.

SIR.—I have received Earl Bathurst's directions to acknowledge the receipt of your application of the 6th of November last and in reply to express to you his Lordship's regret that he can hold out no expectation that it will be in his power to authorize the encrease of your Salary. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. JAMES THOMAS ERITH.

DOWNING STREET, 23 January 1827.

SIR.—In answer to your letter of the 15th instant I have received Earl Bathurst's directions to refer you to the several communications which I have addressed to you from time to time for the purpose of conveying to you his Lordship's opinion on the alleged grievances which you have brought under his Lordship's notice. I am &c.

Signed R. W. HAY.

(Original)

Letter from Lord Bathurst to Sir Robert B. W. Hay, Esqre.

at Downe's Chambers Street, London,
24th January 1827.

SIR. I have the honor to acknowledge the receipt of your letter of the 24th instant, conveying a Despatch from Major General Dundas dated 18th November last, transmitting a Memorial from Messrs. Chapman and Co., which I herewith return.

In compliance with His Majesty's order that I should explain the grounds upon which I issued the Proclamations of

the 22nd April 1825, I have to state that the decision of Government was called to the point in question by a Memorial from the Committee of Merchants of the Cape, Copy of which forms the appendix C to Messrs. Chiappini's Memorial. The reply to that Memorial was given after very mature consideration of the subject and after conferring with the principal officers of the Government, and the Proclamation alluded to in that reply was subsequently issued accordingly, from which date (22nd April 1825) the Government became responsible. The decision was come to chiefly upon the following grounds :—

1st. That the revenue derived from sales by vendue was of so important an amount, almost every article (even in the shops in Cape Town) being sold by that mode, that it would be extremely injurious to the interests of Government to pursue a course which might dispose the public to adopt any other mode of sale.

2nd. That as no one was permitted to sell by auction except the Vendue Masters appointed by Government and from whom Government exacted security, it appeared the height of injustice to oblige the Community to employ the Servants of Government and at the same time to subject them to risk in the event of the insolvency of persons not of their own selection.

With regard to the not taking security from Mr. Staedel when removed from the sub-drostdy of Graham's Town, as I was in England at the time it took place, I am ignorant of what precisely passed on the subject ; but I certainly should be disposed to differ entirely with Major General Bourke, in considering it an oversight.

Mr. Staedel was appointed a Vendue Master under Government in 1819, at which time he gave the security exacted from all Vendue Masters, viz. Rds. 10,000, and was employed at Graham's Town being then a Sub-Drostdy in the district of Uitenhage. In 1820 he was removed by order of Sir Rufane Donkin to Uitenhage, (being then the Drostdy of the same district), and continued in his office of Vendue Master under Government. Under what circumstances therefore it could be requisite for the Government to require a fresh Security for a Continuance in the same employment I am at a loss to discern, and I cannot think that any blame can attach to Sir Rufane Donkin for not exacting it, nor do I see under what quibble

the Securities can shield themselves from the responsibility to which they had rendered themselves liable, and I consider that His Majesty's Fiscal has put an erroneous construction upon the 14th Article of the Regulations for the Country Districts, which states that "the Secretaries of the Country Districts shall act as Vendue Masters in their respective Districts and receive on the proceeds of the Sales of all immoveable property one half per cent, and on those of moveable property two per cent, provided they take on their own responsibility all costs and damages, besides giving Security to the amount of Rds. 10,000 for the benefit of those who may become Sufferers by their administration."

It appears to me that this regulation was fully complied with when Mr. Staedel was appointed Vendue Master in the District of Uitenhage in 1819 and stationed at Graham's Town, and that his appointment of Vendue Master never ceased altho' his place of residence in the district was changed, but that no circumstance took place which could release his Securities from their responsibility. I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from MR. JOHN THOMAS BIGGE to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 24th January 1827.

SIR,—Adverting to the contents of the letter that I had the honor to address to you on the 29th of last November accompanying a schedule of Documents which formed the appendix to the Report of my Colleagues and myself upon the Finances of the Colony, I beg leave to suggest to you that the publication of those which correspond to the alphabetical and numerical description that I have given in the margin may be attended with some degree of offence to the feelings of the Individuals whose names stand recorded in them as Debtors to the Lombard and Discount Banks.

I would further beg leave to add that the Document containing copies of the correspondence submitted to us by Mr.

Dashwood relative to the affairs of the Lombard and Discount Banks during the period in which he was President of those Establishments comprises some letters that passed between Lord Charles Somerset and himself respecting the terms upon which he had tendered his resignation of the office, and which altho' public do not bear upon the subject of our Report.

I have &c.

(Signed) JOHN THOMAS BIGGE.

[Original.]

Letter from MAJOR GENERAL BOURKE to EARL BATHURST.

CAPE OF GOOD HOPE, *January 25th 1827.*

MY LORD,—I have the honor to transmit to your Lordship the General Monthly Return of the Forces serving under my Command to the 25th of December last. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. HILL, ESQRE.

DOWNING STREET, *25 January 1827.*

SIR,—Having laid before Earl Bathurst your letter of the 21st ultimo enclosing for his Lordship's consideration drafts of the instructions which the Lords Commissioners of the Treasury propose to issue to the Governor of the Cape of Good Hope, to the Auditor General and to the Receiver General in that Colony for their guidance in expenditure of and accounting for the Colonial Revenue, I have received his Lordship's directions to acquaint you in reply that in his opinion it will be expedient to postpone the issue of these Instructions until it shall have been determined what arrangements it may be proper to adopt generally with respect to the existing institutions of Government at the Cape. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 25 *January* 1827.

SIR,—I have received Earl Bathurst's directions to desire that you will issue to the Reverend James Edgar the sum of £50, in order to enable him to proceed to Holland for the purpose of making himself proficient in the language of that Country, and you will take care to make this payment under proper security that the money be repaid in case Mr. Edgar should not eventually proceed to the Cape of Good Hope for the purpose of undertaking the charge of one of the Churches in that Colony. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the REVEREND JAMES EDGAR.

DOWNING STREET, 25 *January* 1827.

SIR,—I have received and laid before Earl Bathurst your letter of the 13th instant enclosing a certificate of your being a licentiate of the Church of England (Scotland?), and I am directed by his Lordship to acquaint you in reply that after you shall have acquired a sufficient knowledge of the Dutch language, you will be provided with the means of proceeding to the Cape of Good Hope, where you will be appointed to the ministry of one of the vacant Churches in that Colony.

Mr. Courtenay the Colonial Agent for the Cape has been instructed to issue to you the sum of fifty Pounds for the purpose of enabling you to proceed to Holland; but you will give security for the repayment of that sum in the event of your not proceeding to the Colony hereafter. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from J. C. HERRIES, ESQRE., to the SECRETARY OF THE
ORDNANCE.*

TREASURY CHAMBERS, 26th January 1827.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury a letter from Mr. Hay of the 8th Instant, with enclosures from Major-General Bourke, Lieutenant Governor of the Cape, respecting the transfer of the Military buildings and works there to the Ordnance Department, I am commanded by my Lords to transmit copies of the said papers herewith, and to request you will move the Master General and Board of Ordnance to favor my Lords with their opinion thereon, acquainting him that my Lords entertain some doubts of the necessity or propriety of directing any Officer of the local Government to execute any Deed with respect to the transfer of the buildings. The whole of these buildings belong to His Majesty, and are given up to the occupation of the Military Department at the Cape, and should be under the management and control of the Ordnance Department for this purpose, so long as their occupation for the public service may be necessary, but should any part of those buildings or the ground upon which they stand become unnecessary for any of these objects, and the Ordnance should be desirous of abandoning them, it appears to my Lords that the possession should be given up to the Local Governor, in order that they may be sold, let, or otherwise appropriated by the Governor in such manner as His Majesty may direct. I am &c.

(Signed) J. C. HERRIES.

[Original.]

Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.

48 LOWER GROSVENOR STREET, LONDON, 27th January 1827.

SIR,—I do myself the honor to transmit to you the enclosed application from the Revd. J. S. S. Ballot, who having completed his studies in Holland and having been ordained as a

Minister of the Dutch Reformed Church (as you will perceive by the accompanying testimonials) is desirous to return to the Cape of Good Hope, his native country, and to officiate there as a clergyman.

I beg you will have the goodness to submit to Earl Bathurst's favorable consideration the prayer of Mr. Ballot's application for a free passage to the Cape or an allowance in lieu of it and for an advance of salary previous to his departure, as has been customary. And as the chaplaincy at the drostdy of George is vacant and the Landdrost of that District has expressed a desire that Mr. Ballot (whose return to the Cape has been some time expected) might be appointed to it, I take the liberty of recommending Mr. Ballot for that particular station.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Enclosure in the above.]

To the Right Honorable Lord Charles Somerset, Governor of the Cape of Good Hope, &c., &c., &c.

MY LORD,—Having finished my studies at the University of Leyden, and being admitted to perform all the duties of a minister of the Gospel, as appears by the enclosed documents, I beg leave to solicit that Your Lordship will have the goodness to appoint me to one of the vacant Livings at the Cape of Good Hope, my native country, and that Your Lordship will be so kind as to afford me a free passage and three months' stipend to make good my expenses in this country, which I hope to be enabled to quit as soon as possible, being very desirous of seeing my mother again after an absence of eleven years. She, being the widow of the Revd. H. W. Ballot, was not able to remit me sufficient means of returning at my own expense. I have &c.

(Signed) J. S. S. BALLOT.

8 BLOOMFIELD STREET, MOORFIELDS, AYLETT,
25th January 1827.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. HILL, ESQRE.

DOWNING STREET, 27 January 1827.

SIR,—With reference to your letter of the 7th of April last in which you conveyed the desire of the Lords Commissioners of His Majesty's Treasury that Earl Bathurst would give directions to the Governor of the Cape to furnish any information which might be obtained upon the subject of a sum of money which it was alleged by one Barrett that D. Cawood a Settler had deposited with the Commissariat for the purpose of being remitted to his friends in England, I have now received his Lordship's directions to transmit to you for the consideration of the Lords Commissioners the accompanying copies of communications which have been received upon this subject from Major General Bourke and Lord Charles Somerset ; and as it appears from the Governor's Letter that the application of Cawood's friends has arisen out of a claim of this Individual on the Military Departments, and that their Lordships are now fully apprized of all the circumstances of the case, Earl Bathurst thinks it unnecessary to make any observation on the subject matter of this Correspondence. I am &c.

(Signed) R. W. HAY.

[Original.]*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*

GOVERNMENT HOUSE, CAPE TOWN, January 29th 1827.

MY LORD,—I have the honor to acknowledge the receipt of your Lordship's despatch of the 7th August last, No. 293, upon the subject of certain charges preferred upon a former occasion by Mr. Huntley against Lieutenant-Colonel Cuyler, the Landdrost of Uitenhage, which charges your Lordship has since been assured are true, and into which with other matter of

complaint brought against the Landdrost, your Lordship has by your despatch directed me to make enquiry.

In obedience to your Lordship's commands, I have required the attendance of Lieutenant Colonel Cuyler at this place, and having separated the matter of accusation into four heads or charges, I have called upon Lieutenant Colonel Cuyler to furnish such explanation of his conduct as he might be capable of affording. In a statement which I have now the honor to transmit, I have exhibited the charges with such additional information relating to them as I have been able to obtain, and have added Lieutenant Colonel Cuyler's defence and such observations as I deemed necessary for the further elucidation of the subject. I have placed in an appendix all the documents to which I have referred in the statement in order that if it shall so please your Lordship, the matter may be investigated anew elsewhere.

The opinion I have formed as the result of a very careful investigation, is, that I should not be justified in removing the Landdrost from his employment, in consequence of any of these charges. I have had no hesitation in coming to this conclusion with respect to the 1st, 2nd, and 4th charges, nor should I have had any whatever with respect to the 3rd if I had confined my inquiries to the single transaction specified in your Lordship's despatch. But upon looking into the evidence obtained by His Majesty's Commissioners of Inquiry, I found other matter connected with this charge, upon which I have thought it my duty to make some observations in the annexed statement.

Feeling however that it would be a measure of great severity to remove the Landdrost from his employment upon this charge, even when thus extended beyond the purport of your Lordship's despatch, I had to consider in obedience to your Lordship's commands whether there was anything so particular in Lieutenant Colonel Cuyler's circumstances or situation, as to render him unfit to discharge the duties of Landdrost of Uitenhage. In the official intercourse between this Government and the District, I have found nothing to blame for nearly a year during which I have administered the affairs of the Colony ; nor have any complaints against the Landdrost been brought before me. The possession of land in the District

[Enclosure 1 in the above.]

*Statement of Charges preferred against LIEUTENANT-COLONEL
CUYLER, Landdrost of Uitenhage, with his Explanations and
Observations thereon.*

Charge 1st. "Having represented to Mr. Maré, an inhabitant of the District of Uitenhage, that a certain piece of land which he (Maré) intended to apply for could not be granted, it having been refused by the Colonial Government to him the Landdrost more than once; and subsequently using his influence to obtain such land, although the grant was objectionable on public grounds."

This charge is supported by the evidence and deposition of Mr. Paul Maré given before the Commission of Circuit at the Session held at Uitenhage in September 1820, in the case of His Majesty's Fiscal R.O. Prosecutor versus Hugh Huntley Defendant, and is repeated and enforced in two letters of His Majesty's Commissioners of Inquiry to His Excellency Lord Charles Henry Somerset, under date the 3rd and 17th January 1825.

These letters having been referred to the landdrost, his explanation is contained in two letters to His Excellency of the 17th and 18th February following.

It appears from the Documents annexed to the Landdrost's letter that he did apply for the land in question, by Memorial addressed on the 31st March 1812 to the Governor Sir J. F. Cradock, and it may be seen by an extract from the letter of the Colonial Secretary, Mr. Alexander, of the 23rd May 1812, and by Lieutenant Colonel Graham's letter of the 7th June of that year, that his request was acceded to, but that on the application of the Landdrost himself Lieutenant Colonel Graham gave him in lieu a grant of a different description, namely the conversion of the Loan Place Doornkraal to perpetual Quit Rent.

The motive of this change the Landdrost states to have been an apprehension expressed by Lieutenant Colonel Graham that the extent of new land sought for might after being measured be considered by the Colonial Government as too considerable.

The Landdrost was however the first applicant for this land, and according to Colonial usage this gave him the first claim.

He denies having told P. Maré that it had been refused to him on *public* grounds, but simply stated that he had applied for it before, and meant to apply for it again, and that the part near the mouth of the River must be kept for a Landing Place.

Accordingly not long after he applied by Memorial to His Excellency Lord Charles Henry Somerset, and received an answer on the 16th April 1817, in which a grant of 4,000 morgen of the land in question was ceded to him "in consideration of the length of his service in the arduous situation of Landdrost of the Uitenhage District and in the Military Command also at a particularly eventful period." From the terms of the Title Deed it should seem that the Colonial Government was previously aware of the nature and circumstances of the intended grant, as the deed contains reservations which in the opinion of the Commissioners of Inquiry have protected the interests of the Public upon the most material points.

It would appear therefore that the Landdrost was the first applicant on record for the land in question, and that the answer given by him to P. Maré on the subject was not a misrepresentation of the state of the case, nor does it seem from the evidence of Maré and others that this answer had been urged by Maré as matter of accusation against the Landdrost, and it is to be observed further that there is nothing in the Laws or Customs of the Colony which could have prevented Maré, after the conversation reported to have passed between him and the Landdrost, from applying directly to Government for the land in question. Such in fact would have been the customary mode of proceeding, and would have brought the question at once to issue.

It would also appear that the grant to the Landdrost has not been injurious to the interests of the public, as such reservations have been made as have satisfied the Commissioners of Inquiry in all points but one, and with respect to this, namely the right of fishing, there is evidence to show that the best fishing places are beyond the Landdrost's boundary, even if the right of fishing within his grant should not have been reserved.

In the map annexed may be seen how near to the mouth of the Zwartkops River the Landdrost's grant (marked M and shaded in yellow) extends.

Charge 2nd. "Having at a subsequent period exerted his influence to prevent a grant being made to the Hottentots of Bethelsdorp of land adjoining their institution, in favor of Mr. Maré the person mentioned in the first charge."

This is set forth in a letter of the Commissioners of Inquiry to Lord Charles Henry Somerset dated 3rd January 1825.

It contains arguments in favor of the Institution as applicants for the grant, and opposes Maré's claim, and further shews the friendly disposition formerly manifested by the Landdrost towards the Institution at Bethelsdorp, but which in late years had undergone considerable change.

In a subsequent letter to Lord Charles Henry Somerset, dated January 17th 1825, the Commissioners report the evidence given by P. Maré on Huntley's trial, and attribute the preference now given by the Landdrost to P. Maré's claim over that of the Bethelsdorp Institution for an extension of their lands to a desire on his part to compensate Mr. Maré for the supposed injustice shewn him in refusing to apply on his behalf for land which the Landdrost afterwards got for himself.

The Landdrost in his letter of the 17th February 1825 in replying to this charge refers to the correspondence with the Colonial Office on Mr. Kitchingman's Memorial from Bethelsdorp and that of Mr. P. Maré and others for the same land, the Landdrost gives the preference to Maré's claim, but not in a way that evinces any corrupt motive, and with respect to any change of opinion as regards the expediency of extending the landed possessions of the Bethelsdorp Institution, it is to be observed that on an investigation which took place before the Acting Governor Sir Rufane Donkin in the year 1821 it appeared that the Landdrost had been very unjustly accused by the Bethelsdorp Missionaries, and he may on this account without the imputation of any corrupt motive have been subsequently less inclined to forward their views. It may be further remarked that a disposition favorable to the limitation of the possessions of these religious communities is now not uncommon in the Colony, and has been expressed on a recent occasion by those whose opinions are entitled to the highest respect.

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3rd Charge. "Having employed on his farm some Hottentots who had been sent to assist in the defence of Uitenhage against the Caffres, and at a time when they were rationed at the public expense."

This charge is exhibited in a document prepared by His Majesty's Commissioners of Inquiry, marked No. XIII, which it appears was sent to the Landdrost on the 14th January 1824, and to which he replied on the 20th of the same month.

This charge was not made the subject of a specific representation to His Excellency Lord C. H. Somerset by the Commissioners of Inquiry, in consequence, as is stated, of the length of time which had elapsed since the employment took place, but was mentioned in conversation to His Excellency prior to his departure to the Frontier in 1825.

The Landdrost, in answer to some queries put to him by the Lieutenant Governor on this subject, states that whilst the Military Force was collecting under Lieutenant Colonel Willshire, who commanded on the Frontier in 1819, he (the Landdrost) for the purpose of keeping up a communication with Lieutenant Colonel Willshire and for the protection of Uitenhage and its vicinity, placed a detachment of Burghers and Hottentots at the grass ridge between Sunday's River and Uitenhage, and at his own farm at Doornkraal, and another at the place of Paul Oelofse, the two latter parties consisting of Hottentots only.

The Landdrost admits having employed these people on his land, and the Commissioners of Inquiry have examined several of them, who have stated the work on which they were employed, and that their military duty was not diminished, as they patrolled and mounted guard at night. They received no pay or allowance of spirits or extra food from the Landdrost, but it appears by the receipts of Mr. De Kock the Contractor that the Landdrost paid him rixdollars 310 5. 1. for 1,147 rations issued to these Hottentots whilst at Doornkraal. Those who remained at Uitenhage were also employed by day at some work, generally, as it should seem, in making bricks for public buildings, or cutting thatch, or working in the Landdrost's garden at the Drostdy. It is also stated by one of the persons examined by the Commissioners that he was sent from Uitenhage with the Commando to the Somerset Farm, where he was employed by the Superintendant Hart in cutting wood, burning

charcoal, thrashing wheat, ploughing, &c., besides making Batteries and mounting guard during six months. For the fatigue duty he states that he received a dram of spirits.

There were about 12 men of the Commando employed there in this way, and it does not appear that the cost of their rations was defrayed by Mr. Hart. It is to be observed that it has been a common practice in the Colony to employ Military Parties on fatigue duty, giving them a ration of spirits or wine as a remuneration, which ration has been issued either by the Commissariat, by the Colony, or by the individual employing the parties, as the work on which they were engaged may have been considered public or private. If the Landdrost had given the Hottentots at Doornkraal a ration of wine or spirits at his own expense, this would not have amounted to one half of the sum he paid for the ration of food.

Upon looking further into the documents furnished by His Majesty's Commissioners of Inquiry, there is to be found in addition to the matter contained in the 3rd charge an admission on the part of the Landdrost of his having employed for his own advantage certain Hottentots called out for public work and convicts condemned to it. Some of these were employed not only upon the Drostdy Grounds, but upon the Landdrost's private property, and he regrets that he had omitted to remunerate from his private purse the labour (which appears to have been but trifling) thus expended on his private property. The practice of employing convicts upon the Drostdy Grounds and at the Government Residences and Farms (however indefensible) has been common throughout the Colony, nor has the labor of these persons been confined to what might with some latitude of expression be termed public works, such as the fences, walks, or water courses. They have been frequently and generally employed in raising crops for the benefit of the occupier of the public land, from which he alone derived profit. The Landdrost admits the impropriety of the transaction in question, and has been directed by the Lieutenant Governor to pay into the District Chest the amount of pay and rations issued to the Hottentots whilst employed on his private property. The sum is very trifling, and the employment of these people took place as it should seem more than seven years ago.

4th Charge. "Having compelled a Boer named Van Rooyen to sell him (the Landdrost) a quantity of flour for a less sum than he had agreed to sell it for in the market."

This charge was brought against the Landdrost by Mr. Huntley on his trial for libel on the former before the Court of Circuit at Uitenhage in September 1820, on which trial the accused was allowed by the Court to go into proof of the truth of the libellous matter. Van Rooyen being himself examined stated that the Landdrost gave him five rixdollars above the price offered by the first bidder, and that this person (named Barendse) gave up his claim in favor of the Landdrost. Two witnesses were examined who stated that Van Rooyen had asserted that the Landdrost had given him 10 rixdollars loss than he could have got for the flour from Barendse; but the last of these witnesses states that he cannot positively say whether Van Rooyen asserted that the flour was for Colonel Cuyler himself or for the Government Store.

Huntley having subsequently asserted that Van Rooyen had perjured himself, the latter brought his action for defamation before the Circuit Court at Uitenhage in October 1821. At this trial one of the witnesses (Ferreira) called by the *defendant* deposes to nearly the same effect as Van Rooyen himself had done on Huntley's trial, stating some additional circumstances which would appear to reconcile the difference in the statements as to Van Rooyen having received 10 dollars less than he expected, and confirming the fact that the flour was for Government use.

Barendse himself being examined appears to have had little or no recollection of a transaction which took place so long (according to one of the witnesses) as twelve years before the trial in 1821.

The Court non-suited the Plaintiff, and placed the case in the hands of the Landdrost of the District to act officially against the Plaintiff.

From this sentence Van Rooyen appealed, and it was reversed by His Excellency Lord C. Somerset by his decree of the 30th November 1822, and here the matter appears to have rested. The Commissioners of Enquiry are not in possession of any evidence relating to this charge, nor do they appear at any time to have called the Landdrost's attention to the case.

Upon its being stated to him by the Lieutenant Governor, he has made the annexed reply, in which he denies having purchased a load of flour for his private use, and that if it was bought as reported it must have been for the Public Service, and at the current price of the day, It may be remarked that if the Landdrost had compelled Van Rooyen to sell a load of wheat or flour at a fixed price for the Public Service, it would not have been unusual or unjustifiable, as compulsory sales and purchases of wheat and flour for the public use have been frequently effected under the authority of the Colonial Laws.

[Enclosure 2 in the above.]

Extracts from the Records held before the Commission of Circuit at the Session held at Uitenhage in September 1820 in the case of His Majesty's Fiscal, R. O. Prosecutor, versus Hugh Huntley, Defendant.

In the first place "That he the Landdrost had prevented a Farmer from applying for a certain piece of land, by falsely stating that that piece never would be granted to any person, having afterwards himself applied for and obtained the grant of said land."

Paul Maré, fifty one years of age, born in this Colony, who having been made acquainted with the reasons of his appearance and thereupon duly sworn, deposed as follows :—

That deponent being about to apply for a grant of a piece of land at his place, agreeably to the existing custom, informed the Landdrost thereof, as the deponent believes in the year 1816, who answered that he had applied himself for that piece of land, but could not obtain a grant of it, as it must be left for the use of the Public.

That not long afterwards, and subsequently to Lord Charles Henry Somerset being here, the Landdrost accompanied by Mr. Kock the Heemraad came to deponent and informed him that he had obtained a grant of the piece of land which he had applied for four years before, from the Governor, on which occasion he requested deponent to ride with him in order to inspect it, which deponent did accordingly, and having ridden with them to the Little Zwartkops River the Landdrost said

“thus far I will have the land,” and at the same time pointing over two houses, namely one belonging to Mr. Allen and the other to Mr. Van Rooyen, said that he would have the land measured unto there ; on which deponent answered that then he should apply for a grant of the other part.

That the deponent thereupon rode to Cape Town and presented a memorial to the Governor for that land, on which there was a so-called Ferreira’s Spruit, but to which memorial he did not receive any answer for a long time.

That some time afterwards on an occasion that deponent as Heemraad was sitting at the Board of Landdrost and Heemraden, several memorials which had been addressed to Government for lands were sent unto the Board for inspection, and among them that of deponent, when the Landdrost said that the land had been already granted and could not be granted again, on which deponent was silent.

Questions by the Commission to Witness.

1. Is the piece of land which the Landdrost obtained situated between the Zwartkops river and the Sea ?

Reply. Yes, it is situated between my place at the Zwartkops river and the Sea.

2. Does the said land also lie between the place of the Widow Van Rooyen and the Sea ?

Reply. Yes, that is the same place that I have now bought.

3. Of what extent is the place of the Landdrost Cuyler ?

Reply. I do not know, but I have heard 4,000 morgen.

A letter dated 10th April 1817 from the Colonial Secretary to the Landdrost Cuyler, informing him that land to the extent of 4,000 morgen at said place was granted to him for past services, being exhibited and read to the witness, he is asked :

4. Do you know of this ?

Reply. No.

5. Of what extent was the waste land that still remains ?

Reply. I do not know, but I believe it was upwards of 4,000 morgen. The land of Colonel Cuyler is longish, and was measured towards the sea, leaving out the forests and mountains.

6. Was the land which remained not of sufficient value that you were desirous of obtaining a grant of it ?

Reply. No, because there was not any place for a boat to land, and I wanted the ground for a fishery.

Question by Defendant to Witness :

7. Do you not think that Colonel Cuyler could have had 4,000 morgen of useful land measured for him and still have left sufficient place for you ?

Reply. Yes, but then the forests must have been included in the measurement, but I don't know rightly. However had it been measured in a square, more land would then have been left.

The above evidence being read over to the witness, he declares that he persists therein.

(Signed) D. F. BERRANGE, Secretary.

[Enclosure 3 in the above.]

CAPE TOWN, 3rd January 1825.

MY LORD,—We do ourselves the honor to submit to your Lordship's consideration some observations that have occurred to us upon the explanations of Lieutenant Colonel Cuyler relative to his report upon the propriety of granting to Mr. P. Maré, Senior, certain portions of land that lie between the boundary of his present estate, and that which it has been permitted to the Hottentots of the Bethelsdorp Institution to occupy in the District of Uitenhage. Having had frequent occasion of observing, during our stay in that District, the unfriendly feelings with which Lieutenant Colonel Cuyler views the increase or prosperity of that Establishment, it was not without surprise that we perused the correspondence that took place between him and the former Director of the Institution, the Missionary Van der Kemp, in the years 1808 and 1809, when we have reason to believe the Hottentots had scarcely made any progress in the arts of civilization, and in the course of which Lieutenant Colonel Cuyler declares his opinion that no loan place ought to be granted between the Institution and the lands of the actual neighbours, the estates immediately round it being then ungranted. The explanation afforded by Lieutenant Colonel Cuyler (as far as we are able to comprehend it) of the apparent inconsistency between that

opinion and the opposition that he now makes to the enlargement of the boundaries solicited by the Agent of the Missionary Society, rests upon the supposed necessity that existed in the year 1808 of preserving untouched and ungranted, any of the unappropriated lands that might be required to complete the extent of that which had been assigned to the Institution by General Janssens, in an Instrument which Colonel Cuyler is pleased to denominate its "charter," and which extent remained undefined until the boundaries were ordered to be drawn and surveyed in the year 1815.

Allowing this to be a sufficient justification for the opinion entertained by Lieutenant Colonel Cuyler in the year 1807, and coupling it with the facility he seems to have been willing to afford at that time to Dr. Van der Kemp in his search after unappropriated tracts for the express purpose of adding to the agricultural means of the Institution, it is fair to ask what are the grounds of the preference that Colonel Cuyler readily gives now to the individual who has memorialized for the unappropriated lands, over the Hottentots at Bethelsdorp? to whom, as the more ancient occupiers of the neighbouring lands, we believe that the decisions of the Court of Justice in cases of conflicting pretensions to such lands, have generally assigned such preferences.

Lieutenant Colonel Cuyler states that he is of the same opinion now that he was formerly, "that a tract of land including a portion fit for tillage and capable of irrigation is extremely valuable to an Institution as well as an individual," but he seems to think that any claim that the Institution might have possessed upon the Government for a grant of land of that description is cancelled by the purchase that has been made of an Estate at the Gamtoos River by the London Missionary Society and the subscriptions of the Hottentots. We cannot help stating that we differ extremely with Lieutenant Colonel Cuyler in this view of the subject, for altho' we think it very just that the experience of repeated proofs of the favor of Government should operate as a good ground for a refusal of further indulgence, yet where an Individual or a Society has given such unequivocal proofs of enterprise and industry as to invest capital in the purchase of land, and have surmounted great natural obstacles in the improvement of that, which was

originally granted to them, and which few Individuals would have been induced to accept, we then conceive that strong grounds have been laid for obtaining an augmentation to it by the bounty of the Colonial Government.

It must be well known to Colonel Cuyler that the land of the Bethelsdorp Institution is of a very inferior description, and that it contains a small porportion of such as is fit for tillage. He must further be aware that within the last two years the industry of the Hottentots has been very conspicuous in the erection of durable and substantial dwellings, and that in spite of many disadvantages, local and otherwise, they have greatly improved their condition, and entered into a competition for the Government Contract for carriage, that has not only reduced its expense, but greatly improved the despatch and regularity of conveyance between Algoa Bay and Graham's Town. Colonel Cuyler cannot be ignorant of the augmentation that has lately taken place in the number of the Hottentots at the Bethelsdorp Institution, in consequence of a less impeded exercise of their right to proceed thither, and settle with the little property, consisting of cattle and waggons they had collected during their service with the Bcers. By an Extract from the Report of Lieutenant Colonel Collins, dated 5th August 1809, which we have the honor to enclose to your Lordship, it will appear that at that remote period even the Hottentots experienced great inconvenience from the want of sufficient pasturage; their favorite pursuit was then the rearing of cattle, of which they at that time possessed 1200 head; at the present time the Hottentots of the Institution are possessed of 51 waggons, 135 horses, 2033 head of cattle, and 482 sheep, and from the year 1820 to the end of the year 1823 they have contributed by the payments made at the yearly opgaafs, an aggregate sum of rixdollars 8,012-7 towards the expenses of the District.

Respecting the personal merits of Mr. Paul Maré, we have certainly nothing to state in the way of objection to the prayer of his Memorial; we believe his character and conduct to have been respectable, and his family numerous. On the other hand Mr. Maré is a person who has in three instances experienced the bounty of the Crown. An attempt has been made by Lieutenant Colonel Cuyler to depreciate the value

of one of the Estates granted to Mr. Maré and that of another that he gave in exchange ; we cannot help feeling astonishment, as well as some degree of indignation at the arguments by which this attempt has been supported. When Lieutenant Colonel Cuyler was informed by us that the Widow Dupree, whose daughter was married to a son of Mr. Maré, maintained a larger stock and as large a family of persons upon the Estate that he exchanged with her husband, than Mr. Maré had ever done himself, Colonel Cuyler thinks it sufficient to answer that *perhaps* Mrs. Dupree's family were not in the habit of requiring or using the produce of a garden, which habit had rendered indispensable to Mr. Maré, and that she *probably* had made use of the pasturage of the Government Grounds, which were shortly to be granted away to other individuals, and which would then render her estate less valuable. Mr. Maré is represented to have laid out money in the construction of a water course for the purpose of irrigating the arable land upon the estate that he now occupies on the Zwartkops River. Altho' we have much reason to question the source from whence this aid was derived by Mr. Maré, we certainly agree in thinking, that it affords a claim to the encouragement of the Colonial Government. It is not however upon this ground that Mr. Maré can claim a preference over the Hottentots at Bethelsdorp. The industry they have manifested in improving the miserable supply of water in the ravine thro' which it flows, and in building a spacious tank on the hill above their village for the purpose of collecting and retaining water for the use of their cattle, affords, we think, a claim at least as strong as that of Mr. Maré to the only species of reward that they can seek with propriety, or that the Government has it in its power to bestow. It is not unreasonable to anticipate that the encouragement that may be manifested by the Colonial Government to the construction of the first tank of this kind that has been raised by native industry may have the effect of directing the attention of the Colonists to one of the greatest improvements of which the agriculture of the Country is susceptible.

It is admitted that the extent of land prayed for by the Institution and Mr. Maré does not exceed 1976 morgen and 144½ roods, a large proportion of which is covered with brush-

wood. If your Lordship will take the trouble of referring to the accompanying map of the estates lying on the Zwartkops River, you will perceive that the portions of land that are described as being most free from Brushwood are those which are most contiguous to the Estates of Mr. Kock and of the Bethelsdorp Institution. The extent of land fit for grazing is stated by the Landdrost (Lieutenant Colonel Cuyler) and a Commissioned Heemraad, not to exceed that which is required for the annual support of three spans of oxen, with a change of pasturage, and of an annual value of 20 Rixdollars, but we have been assured that its value to the Hottentots arises from the nature of the brushwood itself that covers the remaining portion, and which is also described by the Landdrost and Heemraden to be only fit for making kraals and for firewood. It is from thence therefore that the Hottentots derive their supply of wood for firing, and altho' Colonel Cuyler asserts that the lands of Bethelsdorp contain brushwood of exactly the same quality, he cannot suppose that the Hottentots would prefer seeking it at a distance, if they were able to procure it on their own land. The fact is that a very small portion of the brushwood that grows in that part of the country contains the species that is fit for firing. Colonel Cuyler is perfectly aware of the abundance of brushwood that covers the land in the immediate neighbourhood of Uitenhage, and yet the inhabitants of the village derive their supply of wood for firing from a considerable distance.

The last point to which we beg to call your Lordship's attention is an explanation of the opposition that he formerly made to what he termed a most *extravagant* request of Dr. Van der Kemp, for the grant of a large tract of land lying on the Zwartkops River, part of which the Lieutenant Colonel is anxious we should know "is still partly reserved for the original purposes"; that part contiguous to the mouth of the River is still ungranted and may be appropriated for a Landing Place, or the site of a fishing village, or for the use of the inhabitants who may occasionally go there to fish. The portion of this ground (he adds) which His Excellency has been graciously pleased to grant to me lays higher up the River. Another part of Dr. Van der Kemp's request was for a tract of ground which would have included the Salt Pan.

The grant of the latter portion we admit would have been improper, altho' it need not have been an impediment, as the Salt Pan might have been reserved, but it is to the former portion that we would wish to call your Lordship's attention. In Colonel Cuyler's letter to Dr. Van der Kemp, he observed that a part of the land stated in his request, viz. that between Stephanus Ferreira's (letter H in the map), Algoa Bay, Bethelsdorp (letter G), and the west side of Zwartkops River was more than a year since petitioned for by Solomon Marits and refused on account of its being the only outspan place for those who came to fish, and may at a future period be required for a landing place or other purposes for the town of Uitenhage. Colonel Cuyler does not describe the limits of this extravagant request, but from the loose account that he gives it may be collected that it comprised the whole of the Estate lately granted to himself, and a portion of the Estate marked F now possessed by Mr. Maré. Having had reference to the copy of the grant made to Lieutenant Colonel Cuyler, we have infinite satisfaction in observing that the interests of the public have been protected by the reservation of the right of making Landing Places and building wharfs on the banks, as well as of improving the navigation of the Zwartkops River, in the event of the entrance being found practicable hereafter for vessels ; access to it has been reserved in favor of the inhabitants and their cattle, but we are not certain whether the right of fishing on the banks of the river may be considered, or was intended to be protected by the 3rd Clause. Colonel Cuyler seems to flatter himself that this as well as the right of outspan places has been amply provided for in another way, by the space of ground that has been left between the Eastern Boundary of the Estate and the sea ; but in both respects we are assured that he is entirely mistaken ; for not only are the parts of the river wherein the inhabitants of the neighbourhood used to fish, and where the best species of fish are taken, exclusively secured to Colonel Cuyler and included in the limits of his grant, but the remaining space that is reserved between those limits and the sea, consisting of bare sand hills, is capable of affording very limited accommodation for cattle, and the strength of the tides in the lower part of the river and nearer to its mouth renders the fishing in it

very precarious. We notice these circumstances more particularly, as a complaint was made to us during our residence at Uitenhage of an assault having been committed by Lieutenant Colonel Cuyler himself, on the person of a Hottentot named Piet Prinz employed as overseer of his estate on the Zwartkops River, in consequence of his having permitted one of the Hottentots from Bethelsdorp to come upon the Estate to fish, a practice that had been commonly followed by the Hottentots and others previously to the grant being made to Lieutenant Colonel Cuyler, but which since that period he seems to consider is taken away.

Reverting to the character given by Lieutenant Colonel Cuyler to Dr. Van der Kemp's request, we would beg to add that it would have been quite as easy to have inserted the existing reservations in any grant in favor of the Institution in the year 1808, as it has been in the case of a grant to himself in the year 1817.

By a reference to the Map, your Lordship will be able to determine whether the epithet of "extravagant," as applied to requests for grants of land, is more applicable to Lieutenant Colonel Cuyler himself than to the Directors of the Institution whose Memorial he opposes.

It appears that Colonel Cuyler is proprietor of both banks of the Zwartkops River from his place B (Doornkraal) to the mouth, with the small exception of the Estate of Mr. Maré ; and that he also possesses in this part of the District alone, the three Estates marked B, C, and M, which considering their position next the Seat of Magistracy might have been deemed excessive as the possession of an Individual, even were he not possessed of very considerable tracts in other parts of the District.

We have, &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

His Excellency General
the Right Honorable Lord Charles Somerset.

[Enclosure 4 in the above.]

Mr. Buchenroder states that the land lying between the Eastern Boundary of Colonel Cuyler's Estate and the sea is

very poor, consisting in a great measure of sand hills, and is a very inferior outspan place.

That the chief and best fishing places are those included within Colonel Cuyler's grant.

That the fishing towards the mouth of the Zwartkops River is very precarious, and that many descriptions of fish that are found higher up are not to be met with at the mouth but on rare occasions, besides which towards the mouth of the river it is necessary to use much larger nets and consequently more hands are required, and the ebbing and flowing of the tide there are so strong as to render fishing very difficult. Mr. Buchenroder adds that there may certainly exist a sufficient extent of outspan ground towards the mouth of the river, but that which is left lies in so inconvenient a place as to be hardly of any use to persons who come to fish ; and with reference to the road leading through Colonel Cuyler's Estate from Port Elizabeth to Graham's Town, Mr. Buchenroder states that the only outspan ground left is the small slip described in the Map P, which is only 50 roods or 200 paces wide. The consequence is that cattle straying on either side of this slip of land are liable to be impounded by Colonel Cuyler on the one side or by Messrs. Maré and Buchenroder on the other. Beacons are erected, and a board affixed notifying its being an outspan place.

Mr. Buchenroder has seen from 50 to 100 waggons outspanned on this spot in one day.

Before the land was granted to Colonel Cuyler several people had built fishing huts and boathouses on that ground, and used to keep boats there.

(Signed) W. L. VON BUCHENRODER.

[Enclosure 5 in the above.]

CAPE TOWN, 16th September 1824.

SIR,—Having had under consideration certain representations that have been made by you in support of the claim of Mr. P. Maré Senior to a certain tract of Government Land situated between those of Bethelsdorp and his Estate, we have been at a loss to reconcile your statements and those of Mr. Maré

with the information we have derived from the Public Records and from other sources ; and we have further had occasion to notice so striking a contradiction between the opinions you have declared on the present occasion and those expressed by you in certain letters addressed to the superintending Missionary at Bethelsdorp in the years 1808, 1809, and 1810, that we have considered it just to afford you an opportunity of furnishing us with any explanation you may have to make upon these points before we bring them under the view of His Excellency the Governor.

In your letter to the Government under date the 11th August 1824, you have stated in explanation upon certain points of inquiry that had been addressed to you that “ the two tracts granted to Mr. Maré in the vicinity were parted with, as they were not such as to be of use to him with his large family, and being a stranger he was not well acquainted with their nature.”

On a reference to the Reports of Landdrost and Heemraden it has appeared that the Tract (No. 28) which was granted to Mr. Maré on the 1st July 1816 at a quitrent of 60 rixdollars per annum, and which he sold, was estimated by you to bear a quitrent of $1\frac{1}{2}$ stiver per morgen, and that the tract (No. 29) consisting of 1999 morgen and 435 roods, which was granted to Mr. Maré by Sir R. Donkin on the 11th October 1820 at a quitrent of 70 rixdollars per annum, was also appreciated by you at $1\frac{1}{2}$ stiver per morgen, 62 rixdollars 3 schellings, with a further recommendation that it should be held free of rent for ten years under the Proclamation of the 28th January 1814, according this privilege to certain lands in Albany.

Now it has been stated to us that so far from those lands being such as they were described to be in your letter of the 11th August and its enclosures, that the one Estate alone (No. 29) that was granted to Mr. Maré in 1820 was exchanged by him for an estate of 3,000 morgen belonging to Solomon du Preez near to his present residence, (which Estate after acquiring he also sold), and that the Estate so transferred to Mr. Du Preez is now occupied by the widow of that person, with as large a family and a larger stock of cattle than those of Mr. Maré, upon which you have supported his claim to a further grant of land.

The Opgaaf Roll, (an Extract of which is annexed) would

appear to confirm the information we had received, that this family now in the occupation of No. 29 is connected with that of Mr. Maré, his daughter being the wife of the Widow Du Preez's Son, and residing with her husband on the Estate.

We request to call your particular attention to these statements, and referring to that contained in your letter of the 11th March last, we beg to be informed in what manner you account for having described the nature of this transaction and of the resources of the land in terms that are so entirely at variance with the facts, should the foregoing statement of them not admit of contradiction.

With reference to your recent recommendation that the vacant land near Bethelsdorp should be ceded to Mr. Maré, and not to the Hottentots, the Memorial in whose behalf had been referred to you, we beg to enclose you copies of four original letters, addressed by you to the Superintending Missionary at Bethelsdorp in the years 1807, 1808, and 1809, and we request that you will be pleased to inform us why you should deem the present claim of the Hottentots to be inadmissible, while in 1807 you appear to have been of opinion that a Loanplace should not be granted between them and their actual neighbours, and why the occupiers of neighbouring Estates should now in your opinion have a better claim to the possession of these intermediate lands than the Hottentots in 1808 had to the Estates themselves, for which in your letter (No. 2) you recommended the Missionary to apply to the Governor thro' you that they might be purchased by Government for the Hottentots.

One of these Estates we are informed is that now possessed by Mr. Maré, and another the Estate of Doornkraal which belongs to you, and it appears by your third letter to the Missionary that his application for the purchase of three places had been actually recommended by you to Government, as by the answer that you communicated to him the Government substituted the very extension of these lands now opposed by you for the more considerable enlargement by purchase that had met your support.

In your fourth letter addressed to the Missionary it would appear that certain lands on the Zwartkops River that had been pointed out by him as available for the Hottentots

were considered by you as likely to be required for Government purposes.

These lands we are informed have since been granted to Individuals, and a considerable part of them to yourself, we should be glad to know from you in what manner the objections in question have been obviated.

As we are desirous of obtaining your explanation upon the facts of the case, and the opinions for which you are responsible, we forbear to remark at present upon the means that the Hottentots now possess of occupying land compared with their stock in 1809, and also of the proportion that their stock bears to the land they occupy compared with that of the principal landholders of your district, or of the taxes they respectively pay, neither do we urge the claims which the Hottentots have since acquired from their acknowledged services to the Government during the disturbances in the Frontier Districts in 1815.

We have &c.

(Signed) JOHN THOMAS BIGGE,
W. M. G. COLEBROOKE.

Lieutenant-Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 6 in the above.]

UITENHAGE, 3rd October 1807.

SIR,—I am honored with your letter of yesterday. No copy of the Charter of Bethelsdorp can be found in the Secretary's Office of Uitenhage, but I am myself of opinion that a Loan Place should not be granted between you and the actual neighbours. Herewith I send you a *Gazette*, as also a packet for Captain Laurence which I beg the favor of you to send to the Bay the first opportunity. Your letter for the Cape I'll forward. I have &c.

(Signed) J. G. CUYLER.

Dr. Van der Kemp.

[Enclosure 7 in the above.]

UITENHAGE, 6th September 1808.

SIR,—I was yesterday honored with your letter with several accompanying ones addressed to persons at Cape Town, which I will forward per first conveyance.

The probability of your obtaining one of the three adjacent Loan Places, viz.

That of Mrs. Van Rooyen,

That of Jan Booysen, or

That of Harmes Kuntz, in addition to the ground now occupied by your Institution, rests in my opinion :

1st. Whether the occupiers are willing to dispose of their improvements and right of possession ;

2nd. If they are willing to sell them, then what will they expect.

And after this point is ascertained, then I should recommend your applying to His Excellency the Governor thro' me, stating particulars. As I shall not send off the post for these few days, you have time to apply to the occupiers of these places if you are so disposed, and communicate the result to His Lordship. I have &c.

(Signed) J. G. CUYLER.

Dr. Van der Kemp.

[Enclosure 8 in the above.]

UITENHAGE, 24th April 1809.

SIR,—I have the honor to transmit to you the extract of a letter received by me from the Colonial Secretary, viz.

SECRETARY'S OFFICE, 17th March 1809.

SIR,—With regard to encreasing the limits of the establishment of Bethelsdorp, His Excellency would be extremely happy in meeting Dr. Van der Kemp's views on this point could it be done by the cession in loan of any land belonging to Government, but His Excellency does not feel himself warranted in putting the public to any expence by making purchases from the adjacent farmers, as suggested in Dr. Van der Kemp's correspondence.

(Signed) C. BIRD, Deputy Secretary.

With much respect, I have &c.

(Signed) J. G. CUYLER, Provisional Landdrost.

Dr. Van der Kemp, Bethelsdorp.

[Enclosure 9 in the above.]

UITENHAGE, 28th April 1809.

SIR,—I was last evening honored with your letter of the 25th present month, and am sorry it is not in my power to

forward your request to His Excellency the Governor, "to grant the land you solicit to have in addition to your present limits." A part of the land stated in your request, viz. that between Stephanus Ferreira's, Algoa Bay, Bethelsdorp, and the west side of Zwartkops River, was more than a year since petitioned for by Solomon Maritz, and refused him on account of its being the only outspan place for those who come to fish, and may at a future period be required for a landing place or other purposes for the Town of Uitenhage. I also conceive that the land on the opposite bank of the mouth of Zwartkops together with the Saltpan should also be retained for the use of this Town and District, and not, for the present at least, granted by Government. I have &c.

(Signed) J. G. CUYLER.

Dr. Van der Kemp, Bethelsdorp.

[Enclosure 10 in the above.]

BETHELSDORP, *January 21st 1808.*

SIR,—I doubt not but you are officially informed of the order which I received by means of Mr. Bird to meet the Landdrost of Swellendam at the house of Mr. Rex near Plettenberg's Bay, these gentlemen being commanded by His Excellency the Governor to inspect with me a certain place in the neighbourhood of that Bay intended for our future residence. I likewise received a letter from Mr. Faure desiring me to appoint a certain day to meet him there. I wished that the Landdrost himself would have mentioned a day convenient to himself, which would have shortened the business. This not having been done, I have appointed the 15th March as the day on which I proposed to set off from Bethelsdorp with a view to give the Landdrost room to send me a letter in answer, should he think another time better calculated for the mentioned purpose, before my actual departure. I have not the least idea of the intended spot nor of its fitness for the Institution, and should be happy if you were able to give me some elucidations in this respect. I by no means wish to throw any obstacles in the way to counteract the Governor's scheme or that of the Commissioned Gentlemen, but I sincerely regret

to be removed out of your District, especially at such a distance. I should likewise wish to be favored with your opinion respecting the best mode of transporting our effects to a spot which I hear to be almost inaccessible by heavy loaded waggons.

I am &c.

(Signed) J. T. VAN DER KEMP.

To Major Cuyler, Uitenhage.

[Enclosure 11 in the above.]

UITENHAGE, 14th July 1815.

SIR,—I have the honor herewith to forward to your office a letter I have received from Mr. Surveyor Knobel, with the Diagrams of the Lands intended for the use of the Hottentot Establishment called Bethelsdorp situated between Algoa Bay and this Drostdy. Mr. Knobel explains the measuring of the Lands to be agreeably to His Excellency Sir J. F. Cradock's orders. I am not as yet aware on what terms it may please Government to cede these Lands to the Institution. His Excellency Sir J. F. Cradock when here was not fully resolved on what footing they should be granted. I have kept one copy of the Diagram here, and have &c.

(Signed) J. G. CUYLER.

The Colonial Secretary, Cape Town.

[Enclosure 12 in the above.]

UITENHAGE, 8th July 1815.

SIR,—I have the honor herewith to transmit to you the several Diagrams relative to the Institution of Bethelsdorp, viz.

1st. Two copies of a Plan formed at the request of Messrs. Read and Campbell of the whole extent of Government ground situated in the vicinity of Bethelsdorp between the adjacent places and the mouth of the Zwartkops River, which plan was laid before His Excellency Sir J. F. Cradock when present here, and

2nd. Two copies of Diagram formed of the ground actually admeasured to the Institution according to the directions received from His Excellency on the former plan, which were :
“ That the East Boundary line of the place Leeuwenfontein

XXX.

P

should be produced beyond the Little Zwartkops River, then to turn along the left Bank of that River so as to take in the cultivated Land to a point near the junction of the two Zwartkops Rivers and there to be met by a line produced from the Northwest Corner of the place of Pohl & Co., reserving the extent of grazing ground between that place and the Zwartkops River for further occasions."

I have only to add that the long delay in the final admeasurement of the ground has been occasioned by that circumstance that, in order to avoid unnecessary expense and loss of time, I wished to defer it till the Boundaries of the two adjoining places were actually fixed, which could not be done till lately.

I have &c.

(Signed) J. KNOBEL, Sworn Surveyor.

The Landdrost of Uitenhage.

[Enclosure 13 in the above.]

COLONIAL OFFICE, 3rd August 1815.

SIR,—In reply to your Dispatch No. 233 enclosing Diagrams of the Lands measured for the Institution at Bethelsdorp, I am directed to acquaint you that His Excellency the Governor is satisfied they should for the present occupy the ground marked out during the pleasure of His Majesty's Government for the time being. I have &c.

(Signed) HENRY ALEXANDER.

Lieutenant-Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 14 in the above.]

COLONIAL OFFICE, 11th August 1815.

SIR,—I am directed by His Excellency the Governor to transmit to you herewith a copy of a letter written to Mr. Read of Bethelsdorp on the subject of the land lately measured for the Institution, for your information. I have &c.

(Signed) HENRY ALEXANDER.

Lieutenant-Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 15 in the above.]

COLONIAL OFFICE, *August 11th 1815.*

SIR,—I am directed by His Excellency the Governor to state in reply to your letter of the 21st July last, that His Excellency has directed the Landdrost to permit you to occupy provisionally the land which has been recently measured according to the Diagram which has arrived, without a valuation in the same manner as you have occupied Bethelsdorp, and authorises me to assure you should circumstances ever lead to a resumption all improvements and building with the expense of the survey shall be repaid, but difficulties still occur as to the mode of making out a title, and to whom, as well in the general policy. His Excellency has no objection to the two missionaries you recommend with their waggons and necessary attendants proceeding on the intended mission. I have &c.

(Signed) HENRY ALEXANDER, Colonial Secretary.

Mr. J. Read, Bethelsdorp.

[Enclosure 16 in the above.]

(See Report of Lieutenant-Colonel Collins, dated 5th August 1809. Vol. VII, page 106.

[Enclosure 17 in the above.]

UITENHAGE, *7th October 1824.*

GENTLEMEN,—I am honored with the receipt of your letter of the 16th ultimo, and have the honor to reply that it appears by the original charter of the Institution of Bethelsdorp by General Janssens in 1803 that the Boundaries of their grounds were fixed on two sides by the adjoining loan farms of Thos. Ferreira, near Cradock's Town, and the widow Scheepers, now Jacob Kok's, and from that charter a conclusion must naturally be drawn that the Institution should comprise a loan farm of 3,000 morgen, as a part of it specifies "The ground shall be ordered to be measured off rather too large, than too small"; coinciding with this opinion, I thought no loan lands should be ceded near it until this was finally fixed, which was

done by His Excellency Sir John F. Cradock when on the ground, as Mr. Knobel's letter of the 8th July 1815, directing the Institution to be surveyed to certain limits as shewn by the chart to be 6,718 morgen and 280 roods, which was at that time to the satisfaction of the then superintendent, and met the sanction of Government, *vide* letters from the Colonial Office of 3rd August 1815, (with the connected correspondence herewith forwarded).

With respect to No. 1 enclosure in His Majesty's Commissioners' letters, to the best of my recollection my letter of 3rd October 1807 referred to a communication from Dr. Van der Kemp, wishing the attachment of a loan farm then occupied by Johannes Knoetze to the Institution of Bethelsdorp, with the intermediate ground asked for at that time on loan by some other farmer, and years after the final determining of the Bethelsdorp Boundaries, ceded in quitrent to John Berry.

No. 2. By my letter of the 6th September 1808 it appears I was then of the same opinion that I still hold, namely a farm well supplied with water for irrigation is of great consequence either to a public Institution or a single farmer, and the farms adjacent appeared to me particularly adapted to their use, and since then they have found it advisable to buy a farm on the Gamtoos River also adapted to that purpose.

No. 3. Shews His Excellency's refusal to comply with the wishes of Dr. Van der Kemp in purchasing at the Government expence loan farms for the Institution.

No. 4. Contains my reasons for not recommending a very extravagant request made by Dr. Van der Kemp of a large tract of country, which is still partly reserved for the original purposes, that part contiguous to the mouth of the Zwartkops is still ungranted, and may be appropriated for a landing place, or the site of a Fishing Village, or the use of the inhabitants who may occasionally go there to fish.

The portion of this ground which His Excellency has been graciously pleased to cede to me lays higher up the river. Another part of Dr. Van der Kemp's request was for a tract of ground which would have included the Saltpan, and which is now one of the greatest sources of support of our church. During the period of this correspondence betwixt Dr. Van der Kemp and myself, it was in contemplation to remove the

Institution to another place entirely, and for that end he undertook a journey to inspect the capabilities of some land in Plettenberg's Bay, as will more fully appear by the enclosed copy of a letter from Dr. Van der Kemp, and it has within latter years also been in the contemplation of the directing persons to remove the Institution to a more appropriate spot, on which I was consulted.

It is I believe admitted that habit becomes a second nature. Perhaps Mrs. Du Preez's family have been little accustomed to horticultural conveniences, while Mr. Maré's have had that always.

The Estate No. 29 ceded to Mr. Maré is of a dry lime-stone soil with a scanty supply of brack water totally unfit for irrigation or agriculture. Nos. 26 and 28 on the Coega are also of the same description, frequently totally destitute of fresh water. On reference to the diagram of Mrs. Du Preez's farm it appears that on the southerly side there is an extent of about 4,000 morgen of unoccupied grazing ground, and on the northerly full 2,000 morgen, which as Government have not restricted its occupancy by the neighbours, we may naturally conclude that her cattle are not fed entirely within her own boundaries, and as several Memorials have already been presented to Government for those tracts of unoccupied land, there is every probability of that farm being soon hemmed in within its own limits.

Taking a slight view of the pasturable land on the half place now possessed by Mr. Maré, it appears he is already shut up on three sides by the surrounding neighbours, on about 900 morgen of grass, and no means of getting beyond his circumscribed bounds except on this one side, which a very short perusal of the chart of this intermediate ground will shew to lay more immediately betwixt the farms occupied by Jacob Kok and Maré, than the Institution of Bethelsdorp.

I hope what I have here stated will suffice to elucidate the enquiries you demanded of me, with regard to the lands of Bethelsdorp and that which is about being granted to the neighbours. I have &c.

(Signed) J. G. CUYLER.

His Majesty's Commissioners of Inquiry.

[Enclosure 18 in the above.]

CAPE TOWN, 24th August 1824.

GENTLEMEN,—In reply to your note of 20th August I have had the honor to receive, I beg leave to lay before you the enclosed letter from Mr. Buchenroder. With Mr. Buchenroder's competency to give the necessary information on this subject you are acquainted, but if anything further is wanted, and if you desire it, I shall by the next post write to Bethelsdorp to have a statement from the missionaries themselves.

With Mr. Buchenroder's letter I have taken the liberty of transmitting to you the continuance of a correspondence on the same subject, which you have not before seen, with strictures and illustrations on Colonel Cuyler's argument of prior claims, and of the manner in which these claims have been set up and afterwards disposed of. I have &c.

(Signed) JOHN PHILIP.

To His Majesty's Commissioners of Inquiry.

[Enclosure 19 in the above.]

CAPE TOWN, 23rd August 1824.

DEAR SIR,—I have perused the enclosed, and have to remark that it is true that in the Diagram of Bethelsdorp there will be found 1,435 morgen of land covered with brushwood, but must add that the brushwood on the 1,435 morgen is of a different description and very inferior if not altogether useless for the purpose of firewood, consisting mostly of succulent, thorny, and prickly plants totally unfit for any use, which are so thickly interwoven that it is impossible to gather the few bushes fit for firewood which may be interspersed here and there, when on the other hand the brushwood on the ground applied for by the Institution of Bethelsdorp consists for the greatest part of that sort of wood which is capable of being used for firewood.

In corroboration of this, I beg leave to remark that great part of the ground belonging to the village of Uitenhage is covered with brushwood even of better growth than that on the 1,435 morgen belonging to Bethelsdorp, and that the

inhabitants of the village go for their firewood sometimes the distance of 3, 6, and more miles. That the same inhabitants frequently obtain from the possessors of the neighbouring places permission to fetch wood from these places either as a particular favor or on paying for the same. That my own estate is covered with brushwood far superior to that on the 1,435 morgen belonging to Bethelsdorp, to within a couple of hundred yards from the house, but that I am compelled to send to the distance of one and more miles to collect firewood ; and lastly that frequently people from Bethe'sdorp have applied to me for permission to fetch firewood from that part of my estate situated on the heights, altho' they had to ascend and descend again with their waggons the steep and bad road of Saltpans hoogte. I have &c.

(Signed) W. L. VON BUCHENRODER.

The Rev. Dr. Philip.

[Enclosure 20 in the above.]

BETHELSDORP, 15th July 1824.

MY VERY DEAR SIR,—I received your letter of the 25th Ultimo informing me that you had advised with His Majesty's Commissioners respecting the best method of proceeding relative to obtaining the surplus lands adjoining to the Institution, and also stating that you had already written to Lord Charles Somerset, requesting him to reconsider the matter &c. That you may know how the matter is going on here I shall copy a letter which I received from Mr. Lange and also one which I wrote in reply to the Landdrost, and his answer to me. I am &c.

(Signed) JAMES KITCHINGMAN.

The Revd. Dr. Philip.

[Enclosure 21 in the above.]

UITENHAGE, 7th July 1824.

SIR,—I beg to notify to you that the Landdrost is of intention to inspect the lands for Mr. Maré situated between his place

and the lands allotted to your Institution, and that he has appointed Monday morning next the 12th present month to meet at 10 o'clock at where the under bay road crosses the Little Zwartkops River at the end of your old corn land in front of your cattle place, where he hopes to meet you and some of your people to point out the boundary line of the ground agreeably to the Diagram you possess.

The Landdrost begs you to acknowledge the receipt of this letter that he may be assured of your being present.

I have &c.

(Signed) J. H. LANGE.

Mr. Kitchingman, Bethelsdorp.

[Enclosure 22 in the above.]

BETHELSDORP, 9th July 1824.

SIR,—I had the honor to receive your order thro' the medium of Mr. J. H. Lange's letter of the 7th instant, informing me that you intend to inspect the Lands of Mr. Maré situate between his place and the Lands measured for this Institution on Monday next, and I beg to say that agreeable to this order I shall endeavour to be present with some of our people at the time and place and for the purpose therein specified. At the same time I beg to state that I have received a letter from the Revd. Dr. J. Philip under date 25th ultimo, in which he informs me that he had written to His Excellency the Governor, again requesting him to grant the prayer of my Memorial of the 30th of March last with respect to surplus lands not included in our diagram, and should His Excellency be determined to give these lands away to give them conditionally only till the decision of Lord Bathurst should be obtained, whom he intends to memorialize should His Excellency not be pleased to grant this request. May I humbly solicit on these accounts that you have the kindness to postpone this survey, and I remain &c.

(Signed) J. KITCHINGMAN.

To Colonel Cuyler, Landdrost of Uitenhage.

[Enclosure 23 in the above.]

UITENHAGE, 10th July 1824.

SIR,—I am just honored with the receipt of your letter of yesterday soliciting for reasons you stated to postpone the intended survey of the lands arranged to be inspected on Monday next. In reply, I have to state, I see no object it can tend to my postponing the survey, and to transmit the diagram thereof to Government, His Excellency will then have it in his power to carry the Instructions he has given me into execution or to withhold the grant as it may to him seem meet, I shall therefore go on with the survey, and hope to meet you at the place appointed. I have &c.

(Signed) J. G. CUYLER.

Mr. Kitchingman, Bethelsdorp.

[Enclosure 24 in the above.]

20th July 1824.

The Surveyor is proceeding in measuring out the ground for Mr. Maré. Mr. Maré was always a good neighbour, but lately he has begun to annoy us by sending our cattle constantly to pound, and what will be the consequence of his getting the intermediate land we know not, as our cattle is so much accustomed to it, it will be impossible to keep them from it.

I have been again thinking of *previous local claims*. I am doubtful if there is not an old regulation that the person in possession of the older farm has not a first claim upon any superfluous land. I know according to the old way of measuring the full ground was always given to the old farm, however short the new applyer might feel in *his farm*, and *altho'* Government seldom acts agreeable to such a regulation.

Concluding remarks.

It has lately become fashionable to condemn the old Colonists for having turned out the aborigines from their land, and reduced them to their present condition. All our writers on

the Cape from Dr. Sparrman down to Latrobe* exclaim against the crying injustice and cruelty of their conduct in this particular, and uniting with them in their opinions on the subject, we no doubt feel as if we should not have been guilty of such enormous wickedness had we been in their situation. Waving all comparisons at present, I ask who has the strongest claim upon the land not yet given to the Colonists? Was it not recently the property of the aborigines? Have they not at this moment stronger claims to such unappropriated lands than the colonists? Was not the whole country in this District their own at a late period? And how can we condemn the robbery committed upon them, and refuse to them such fractional parts, such trifling wrecks of their property, as those we are now claiming for them? Let us bestow a moment's attention on the respective merits of the different claimants in the present case, the people of Bethelsdorp and Paul Maré. Having summed up from *the two Memorials*, the one to Lord Bathurst and the other to Lord Charles Somerset, the evidence in favor of the Bethelsdorp P. S. Claim, let us next call for the answer of Mr. Paul Maré's claim.

It is a notorious fact that Mr. Paul Maré, the Boor, for whom this land has been measured off, *had previously received four separate farms from Government, three of which he had converted into money*, and the fourth, called Doorn Kloof, he still retains. Mr. P. Maré is one of Colonel Cuyler's Heemraads, and he may have rendered certain services to the Landdrost not entered in the Drostdy Books, but whatever services he may have rendered in this way it must be allowed that he has been amply remunerated for these services by the farms he has already received. Doorn Kloof is the last grant of land given to him, and previous to his receiving Doorn Kloof he made *an unsuccessful application for the unclaimed land in question*. The rejection of Mr. Paul Maré's Memorial for this unoccupied land, *having taken place so recently*, some difficulty was found

* In this part of the Country, more than about Genadendal and Groenekloof one may behold the state of degradation into which the Hottentot nation has sunk, the blame and shame of which lie heavy with some of the former possessors of this land, who first having robbed the aborigines of their paternal inheritance, took advantage of their distressed condition &c.—Latrobe's *Travels in South Africa*.

in recommending the present claim, and his son Petrus Maré was requested to memorial the Government for it, but after the son's memorial had been sent off Paul Maré *unexpectedly to himself* received notice from the Landdrost *that he was still to have the land*. In opposing the Bethelsdorp Memorial for this land the Landdrost Cuyler speaks of previous local claims. Is there any proportion between the *claims of Bethelsdorp for these lands which have always been used by the Institution and the claim of Mr. Paul Maré* ? *

Mr. Maré is but one of the claimants for these surplus lands, he is the first who is to have his slice measured off to him, but when he has got his share, the other farmers having lands adjoining the Institution come in for their portions, and it is not to be forgotten *that Colonel Cuyler himself will rank among them*.

The letter of Mr. H. de Lange, the Landdrost's clerk, mentions expressly that Mr. Kitchingman is to have people in readiness to share the lands contiguous to the farms of Mr. Maré, and Lieutenant Colonel Cuyler, Doorn Kraal. Having discussed the merits of Mr. Maré's claim, we come to those of Colonel Cuyler's. The following statement will show how this gentleman has been rewarded for his services, and how little reason there can exist for taking any land connected with Bethelsdorp to increase the *enormous grants of land he has already received from the Colonial Government*.

Land obtained by Lieutenant Colonel Cuyler, Landdrost of Uitenhage :—About the year 1809 Lieutenant Colonel Cuyler obtained from Government the place Klein River, which place had been given before to David Stuurman, a Hottentot captain. Lieutenant Colonel Cuyler exchanged this place for one called Brakke River, situated about six miles from the village of Uitenhage, and containing 6,000 acres, and afterwards sold Brakke River to Mr. I. Scheepers.

About the year 1813 Lieutenant Colonel Cuyler purchased a loan place called Doorn Kraal, in extent 6,000 acres. This

* In 1821 standing on an elevated ground at the Lead Mines near Van Staden's River 25 miles on the Cape side of Bethelsdorp, a Gonaqua Hottentot addressed me as follows :—" I was born on this spot, my father was a Gona Chief, all the land as far as we see was claimed by him, and now neither I nor my father nor any of my people have a spot of land in this country."

place was converted into a perpetual quitrent place, and to it was added and surveyed for Lieutenant Colonel Cuyler about 3,572 acres of land bordering on the common of the Drostdy or village of Uitenhage, and which ground had always been used as pasturage for the cattle belonging to the inhabitants of this place.

Lieutenant Colonel Cuyler then obtained a grant of 8,000 acres of ground on both banks of Zwartkops River, near the mouth of this river, bordering on the ground of Bethelsdorp. This ground was applied for by *Dr. Van der Kemp for the Institution* at Bethelsdorp, and refused on the ground it was to be reserved for public use, *vide* the annexed letter.

N.B. There were afterwards three or four more applications from other individuals for the same ground, who also were refused on the same ground that this land must remain for public use. Although one reason assigned by the Lieutenant Colonel for opposing the alienation of this land from the public was that the people might continue to have it in their power to fish in the River, the Lieutenant Colonel has not only obtained for himself, but he has actually taken upon himself to prevent people from fishing in the River, although it is understood that the Lieutenant Colonel obtained the grant on the express condition that people, as formerly, should be allowed to fish as high up as the tide flowed.

Lieutenant Colonel Cuyler has further obtained the grant of a piece of ground at Zondag's River of 4,000 acres, another piece of ground at Eland's River of 5,278 acres, another piece at Zondag's River of 3,114 acres.

A couple of months ago there has been surveyed for Lieutenant Colonel Cuyler a piece of ground situated near the village of Uitenhage between Doorn Kraal, Koega, and the great Saltpan.

An inhabitant of the district of Uitenhage who was going to petition for a piece of ground situated on the sea coast between Zwartkops River and Koega River, was told by Lieutenant Colonel Cuyler that he had got that piece of ground for himself.

SUMMARY.

| | <i>Acres.</i> |
|--|---------------|
| Klein River or Brak River | 6,000 |
| Land formerly grazing ground of the village of Uitenhage . | 3,572 |
| Mouth of Zwartkops River | 8,000 |
| Zondag's River | 4,000 |
| Eland's River | 5,278 |
| Other piece at Zondag's River | 3,114 |
| | <hr/> |
| | 29,964 |
| The ground lately surveyed perhaps | 4,000 |

All this is given to Lieutenant Colonel Cuyler as his private property.

There are several places besides the above occupied and used by Lieutenant Colonel Cuyler as places belonging to the Landdrost of Uitenhage.

[Enclosure 25 in the above.]

Extracts from the Annual Report of Bethelsdorp for the year 1809, written by the Revd. Dr. Van der Kemp.

Brother Van der Kemp wrote to Lord Caledon, proposing our continuance at Bethelsdorp, provided a piece of ground could be granted in our neighbourhood better calculated for agriculture, &c., &c., &c.

The uncertainty of our situation has made us always reluctant to undertake anything permanent upon the place, accordingly some of our buildings consisting chiefly of sticks and reed were falling down, among which was the house of Brother Read, which was in great danger of being blown down by the strong gales of wind which are frequent here. He therefore resolved at last to build another, which he effected in about a month, more convenient and substantial than his former.

Brother Van der Kemp received an answer to his first proposition of his letter of January to the Governor thro' the medium of Major Cuyler, by which *His Excellency was pleased to signify that any ground belonging to Government in the neighbourhood of Bethelsdorp uninhabited was at Doctor Van der Kemp's service*, but that he found himself not authorized to put the public to an expense for the purchase of a loan place as mentioned in the correspondence. On receipt of this, application was made to Major Cuyler for a tract of land belonging

to Government between the mouth of the Great Zwartkops River and our next neighbour, as likewise a piece on the North-East of the mouth of the same river extending towards the Koega, fit however only for cattle, who answered that the first was intended for the oxen of farmers who might come to fish, and the second for outward places for the cattle of the new town of Uitenhage. Brother Van der Kemp made a report of these circumstances to the Governor, thanking him for the kind offer, observing at the same time that it had never been his intention that the public might be put to any expense for the purchase of a place for the Institution, conceiving where that was necessary it ought to be done by the Missionary Society, but had hoped that a place might have been procured without expence to either, there being so many vacant places in the Colony, especially in this district, which could have been given as an equivalent for any which might have been found suitable for the Institution.—Missionary Transactions, Vol. 3, pages 294 and 296.

[Enclosure 26 in the above.]

Remarks on Colonel Cuyler's letters.

It appears from the preceding correspondence and the subsequent conduct of Colonel Cuyler in relation to the ground at the mouth of the Zwartkops River,

1st. That in 1807 Colonel Cuyler thought that no loan place (such as that he now wishes to be given to Mr. Maré) between Bethelsdorp and the neighbouring farmers should be given to the latter.

2nd. That His Excellency the Governor Lord Caledon had encouraged Dr. Van der Kemp to petition for a loan place or loan places in the neighbourhood to be added to the Institution of Bethelsdorp.

3rd. That the benevolent intentions of the Governor had been defeated by the objections of Colonel Cuyler.

4th. That a place of great importance to Bethelsdorp was refused at the request of Dr. Van der Kemp on the ground that the place in question must be reserved for the benefit of the new Drostdy of Uitenhage for an outspan place to the farmers visiting Algoa Bay and for the common privilege of the Town of Uitenhage and the country at large, as a fishing station.

5th. It appears that after the above reasons have been urged by Colonel Cuyler in opposition to the petition of Dr. Van der Kemp in favor of Bethelsdorp, that the Colonel *applied* to the Colonial Government *and obtained* in addition to the numerous grants of land previously given him, *this place he had represented as necessary to the public, as a private property for himself and his own Family.*

[Enclosure 27 in the above.]

(See the Report of Colonel Collins in 1809 on Bethelsdorp, Vol. VII, page 106.)

[Enclosure 28 in the above.]

UITENHAGE, 26th January 1824.

SIR,—I have the honor to transmit hereby for the Commissioners of Inquiry the return of the amount of the Opgaaf paid in each year by the Hottentots belonging to the Institution of Bethelsdorp beginning with the year 1815, when they paid for the year 1814 also. With respect &c.

(Signed) F. H. STÆDEL, Secretary. .

John Gregory, Esqre.,
Secretary to the Commissioners of Inquiry.

[Enclosure 29 in the above.]

Return of the amount of Opgaaf paid by the Hottentots belonging to the Institution of Bethelsdorp since the year 1815.

| | | | | | | | | |
|--|---|---|---|---|---|------------|---|---|
| 1815 for 1814 and 1815 | . | . | . | . | . | Rds. 3,578 | 7 | 2 |
| 1816 | . | . | . | . | . | 1,531 | 7 | 0 |
| 1817 | . | . | . | . | . | 798 | 3 | 0 |
| 1818 | . | . | . | . | . | 1,355 | 1 | 0 |
| 1819 Remitted by His Excellency on account of the Commando. | | | | | | | | |
| 1820 | . | . | . | . | . | 1,867 | 0 | 0 |
| 1821 | . | . | . | . | . | 2,431 | 7 | 0 |
| 1822 | . | . | . | . | . | 1,993 | 5 | 0 |
| 1823 | . | . | . | . | . | 1,720 | 3 | 0 |

Uitenhage, 26th January 1824.

(Signed) F. H. STÆDEL, Secretary.

[Enclosure 30 in the above.]

UITENHAGE, 29th March 1824.

SIR,—I am honored with the receipt of your letter of the 16th Instant, transmitting the copy of a Memorial from Mr. Kitchingman praying on behalf of the Hottentots at Bethelsdorp the grant of the Gorā and Todowee, and of the unoccupied lands situated between the land ceded to the Institution and the adjacent farms, for my early report.

Not being fully satisfied as to the precise situation of the places sought by Mr. Kitchingman, I addressed myself to him for explanation, when I learnt that the place Gorā to be the same held at present by Government as reserved, and on that account refused to several deserving individuals.

The place called Todowee is represented by Mr. Kitchingman to be situated in Uitenhage in the mountains of the Zuurberg where the Boschjesman's River passes thro' those mountains above the place of Jacobus Swanepoel under Albany, and must be about in the rear of Sweetmilk's Fontein occupied by Lieutenant Daniels. Todowee is represented to have a spring taking its rise in the Zuurberg, exclusive of the water of the Boschjesman's River. I do not know that I have ever been on the place, or even within some miles of this tract ; from its position on the eastern extremity of the craggy mountains of the Zuurberg, it lays quite in an out of the way corner. I should conceive the spring can be of no great extent, or would have been sought for before ; the water in the Boschjesman's river seldom runs except after very heavy rainy seasons, is most generally stagnated.

The small portions of ground between the grounds measured for the use of the Institution and the surrounding farms are on the northerly side an irregular slip extending towards the place of Mr. P. Maré, Senr., the places Doorn Kraal of Lieutenant Colonel Cuyler, and Lecuwenfontein of the Field Cornet Johs. Jacobs Kok ; the exact extent I do not know, but fancy will be about $\frac{1}{4}$ or the $\frac{1}{3}$ of an ordinary place, is mostly covered with that useless brushwood which occupies so much of the country in this vicinity ; there are here and there some very small patches of grass, and which tract

has, I believe, been some time since memorialled for by Mr. P. Maré Senior, who is extremely cramped with a very large family, having also families of their own, living with the father at present on the half of a former loan place, and from the position of Mr. Maré's farm, this gorē of land here represented, or that position of it contiguous to the line of his place, appears necessary to graze the oxen and cattle required to work and support the lands under cultivation for the plough, which are to some extent, Mr. Maré having last year completed a watercourse of considerable extent and at heavy expence leading out the water from the Zwartkops over a tract contiguously situated to the vacant lands above described.

There is also a space of vacant or unceded lands on the westerly side of the bounds of the lands of Bethelsdorp in the direction or stretching towards the places granted to Pr. Schouw and John Berry on the Suur or Kuygas Vlakte, probably also the extent of half or thereabouts of an ordinary place, composed of some grazing country, which tract Mr. Kitchingman represents as a great resource for their cattle. I have now laying here for report a Memorial from Charles Taylor, whose wife is the widow Schouw, dated 1st August 1823, for a part of this very tract, and which would have been acted upon before this time had not said Taylor embarked himself clandestinely in a whaler some time ago ; his wife and family are still residing in this vicinity.

I have here described so far as I am capable, the situation &c. of the lands memorialled for by the Missionary in behalf of the Hottentots of Bethelsdorp, and to add that they already possess at Bethelsdorp a tract of 6,718 morgens. I have &c.

(Signed) J. G. CUYLER.

Colonel Bird, Colonial Secretary.

[Enclosure 31 in the above.]

UITENHAGE, 11th August 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of the 30th ultimo acquainting me that it had been stated to His Excellency the Governor that the property of Mr. Maré, to which the additional land now prayed for by him

is contiguous, was purchased by him some years ago, and that he disposed of one moiety of it, that he had about two tracts of land in the vicinity and disposed of them also. That not expecting to obtain the grant of land that is now measured for him, he applied for and obtained a place called Doornkloof, near the mouth of the Sunday's River, the inspection of it having been made before the Memorial was drawn out. That Mr. Maré has also disposed of a tract of land that was granted to him in the District of Graaff Reinet, and that the land he has now applied for has hitherto been used as grazing ground by the Hottentots of Bethelsdorp, and includes a Kloof from which they have been in the habit of cutting firewood, an article that they are not able to procure elsewhere with facility, and desiring such explanation from me, as I may have to offer on the above statement.

I have the honor in reply to state, that from the result of my inquiries it appears that the farm called the Zwartkops River waggon drift, formerly belonging to Mr. Lucas Marthinus van Rooyen, was, after the same had been granted on the amended title of perpetual quit rent, sold to Mr. W. R. von Buchenroder, who agreed for the purchase that he and Mr. P. Maré Senior should each have the one half; that accordingly Mr. Maré paid for his half, but Buchenroder was not able to do so, when, in order to enable the transfer to pass, Mr. Maré (who had more credit with the seller than Buchenroder) became the purchaser of the entire estate, and was to reconvey the one half afterwards to Von Buchenroder, which was done as the enclosed statement from Mr. Maré will corroborate, and if reference be made to a communication from the Colonial Office of April 1817, of which I enclose a copy, it will be seen that Mr. Maré applied to have the right which had been granted to him by Sir John Cradock to hold a place under Graaff Reinet free of rent for his life time (I believe in reward for his meritorious service in that District) transferred to the one half of the place he had purchased on the Zwartkops River, from which it will appear that Mr. Maré never intended to have held more than one half, to my certain knowledge, and that he received any advantage by the transfer made to Buchenroder, it was merely as he was looked upon by the seller as a better paymaster than Buchenroder, that

he was the person placed in the transfer as the person to hold the full place and afterwards to transfer the half again.

The two tracts granted to Mr. Maré in the vicinity he has also explained that they were not such to be of use to him in the support of his large family, induced him to part with them, he was also a stranger and not well acquainted with their nature, that he afterwards memorialled for a piece of grazing ground on the Quagga's flats, which was in consequence of his Memorial not having arrived inspected for Mr. Henry Lovemore, and thus disappointed, he sought for and asked for the place Doornkloof, which has since been measured and reported upon to be granted to him, that the place was inspected previous to his presenting a Memorial occurred from the circumstance of his appearing on the inspection of Mr. Lovemore's tract, when he asserted he had since memorialled for that tract, and could not support his family and cattle on the tract he had on the Zwartkops River, and begged if he could not get that tract, he might get another vacant tract, the Doornkloof, (which from his letter appears inadequate for the support of his family) in the vicinity, which happened to lay in the tour of that same inspection, and was accordingly inspected, and the Surveyor directed to measure the same on the arrival of the Memorial. The Memorial will be found dated 5th August 1823, and it appears to have been measured, on reference to the diagram, on the 11th September, and was reported upon and transmitted from here on the 26th September 1823.

That as to the lands Mr. Maré has now measured for him adjoining his residence having been hitherto used as grazing ground by the Hottentots of Bethelsdorp, and including a Kloof in which they cut firewood, and which article they cannot procure elsewhere with facility &c., the Hottentots have not restricted themselves to the lands allotted to them either in grazing cattle or in cutting firewood, which their neighbours have often had reason to complain of, and if reference be made to the diagram of Bethelsdorp, there will be found no less than 1,435 morgen covered with brushwood, exactly of the same sort as that growing on the tract now measured for Mr. Maré, and certainly more conveniently situated for firewood for them.

The granting of the tract contiguous to the dwelling place of Mr. Maré (and lately measured and only waiting the arrival of the Heemraad who accompanied the inspection to be reported upon) to any other would be a serious injury to that respectable and deserving man. I have &c.

(Signed) J. G. CUYLER.

P. G. Brink, Esqre., Acting Colonial Secretary.

[Enclosure 32 in the above.]

ZWARTKOPS RIVER, 10th August 1824.

SIR,—In answer to your question respecting places I before occupied, and those I now possess, I have to state, first, I have asked for the place Blom's Kraal in the District of Graaff Reinet, applied for to His Excellency Sir John Cradock, which he was pleased to * * * * me without recognition during my life, as a reward for services, upon which I thought proper to abandon the district of Graaff Reinet, and went to settle myself in the District of Uitenhage, and on the 4th September 1815 I bought conjointly with Mr. L. von Buchenroder in two equal parts the place called the *Zwartkops River Waggon drift*. I paid my share in ready money, Buchenroder could not pay his share, which obliged me to pay his share also, in order to have said place put on my name. Buchenroder therefore ceded his share, and caused the entire place to be put on my name, on condition that should Buchenroder repay me the money within two years, I should then return to him the moiety of said place, which took place at the appointed time. I have also presented a Memorial to His Excellency Lord Charles Somerset to have the right I have on the place Blom's Kraal in Graaff Reinet transferred to the half place Zwartkops River waggon drift, and to be allowed to sell the place Blom's Kraal, so that it might pay recognition to Government, which His Excellency was pleased to permit, as communicated to me on the 16th April 1816. I have also asked for two pieces of land, one called *Rhenoster Fontein* and the other Koega's River, but I found them not to be useful to me, and therefore sold them again. Then I presented two Memorials for the land the

Kwaggas Vlake between P. Maré junior and Mr. Poole, which was afterwards given to Mr. Lovemore. I have then again asked for the *Doornkloof*, because that I am confined with a large stock of cattle to half a place only, and I have still 9 children at home and five married children with their families live with me, who all have cattle, viz. D. H. Maré has about 50 head of cattle and 70 sheep, P. I. Maré 25 head, W. W. Maré 40 head, P. G. Maré 40 head, my son in law Jan Krog 25 head.

You will surely know that the place Doornkloof is for months together without water, all the water there being that which collects in pools. Wherefore I have been obliged to ask for the land between Bethelsdorp and my half place, the more whereas I have been at great expence to form a new water course on the side of the land asked for.

I hope thus to have satisfied your inquiries and remain &c.

(Signed) P. MARÉ,

J. G. Cuyler, Esqre., Landdrost,

[Enclosure 33 in the above.]

COLONIAL OFFICE, 2nd April 1817.

SIR,—Application having been made to His Excellency the Governor by Paul Maré to whom His Excellency Sir John Cradock had granted the place Blom's Kraal, situated in the district of Graaff Reinet, rent free during his life time, to be allowed to sell the said place subject to a yearly rent payable to Government, and that the privilege of rent free may be extended to half the place which the applicant now occupies in the Uitenhage District called the Zwartkops River's Waggon drift, I am directed to acquaint you that His Excellency has given his assent thereto, and that the Receiver of Land Revenue has been directed to carry this into effect accordingly.

I have &c.

(Signed) HENRY ALEXANDER.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 34 in the above.]

By His Excellency the Right Honorable Lord Charles Henry Somerset, one of His Majesty's most Honorable Privy Council, Colonel of His Majesty's 1st West India Regiment, Governor and Commander in Chief of His Majesty's Castle, Town, and Settlement of the Cape of Good Hope in South Africa, and of the Territories and Dependencies thereof, and Ordinary and Vice Admiral of the same, Commander of the Forces, &c.

I do hereby grant on perpetual quit rent unto Lieutenant Colonel Cuyler a piece of three thousand nine hundred and ninety nine morgen and two hundred and ninety one square roods of land, situated in the District of Uitenhage on the Zwartkops River, extending N. W. contiguous to the place Zwartkops river waggon drift, N. E. towards places on Coega River, about 1000 roods S.W. and W., contiguous to the place Cradock's Town and the Missionary Settlement Bethelsdorp, and S. E. towards the sea, as will further appear by the diagram formed by the surveyor, on condition, viz.

1st. His Excellency the Governor, contemplating the possibility of the said river being made navigable, reserves to make applicable to the banks of the said river or in such part or parts thereof as circumstances may from time to time render expedient, the 5th article of the Proclamation of the 6th August 1813, relative to the resuming certain portions of land on the coast in Loan Leases, so that should it at any time be thought necessary to form Landing Places, Wharfs, &c., to erect stores or the like, the Government shall have the right to do so, on making a fair compensation however for any loss in Buildings &c. the owner or owners at the time may thereby sustain.

2nd. In like manner His Excellency reserves the right to direct such road or roads to be made to and from such Landing Places &c., and any navigable canal or canals to be cut, so as to facilitate in the most possible way, the communication with the said river, or to make its being rendered navigable, most extensively useful to the public, and also to establish on such

roads or canals, and on such parts thereof as shall be thought most expedient, whatsoever tolls may be deemed requisite, it being understood, however, that the Owner or Owners at the time shall be entitled to a fair compensation for whatever bona fide loss they shall thereby sustain, except that of the land itself, which for such public purposes the Government reserves to itself the right to resume.

3rd. This land, including both Banks of the River, the Owner or Owners are hereby most strictly bound at no time to prevent any present or future owners of the neighbouring properties, or such as may hereafter obtain property there, from having free access to the said river for themselves, their servants, and their cattle, it being understood at the same time that those whose cattle shall go thither to water shall be made to follow a regular track, and not indiscriminately overrun the land, nor cause any avoidable injury.

4th. The Owner or Owners of this Land shall not stop or divert wholly nor in part any of the streams issuing from the said River, and running towards any of the contiguous lands, whether such land be already occupied or still in the hands of Government, and should any of such stream or streams become obstructed from natural causes and the persons who are interested therein be desirous of clearing away such obstructions, the said Owner or Owners shall in no way prevent or impede the same, but on the contrary give every facility to its being completed.

And of his punctually paying or causing to be paid at the expiration of every twelfth month from the date of these presents unto the Receiver General of Land Revenue the sum of fifty rixdollars, and be bound (according to the existing Laws of this Settlement) to have the boundaries properly traced out, and the land brought into such a state of cultivation as it is capable of within the first three years.

The Land thus granted being further subject to all such duties and regulations as either are already or shall in future be established respecting lands granted under similar Tenure.

Given under my hand and seal at the Cape of Good Hope, this 15th October 1817.

(Signed) C. H. SOMERSET.

[Enclosure 35 in the above.]

Extract from the Opgaaf Roll of Uitenhage for the year 1822.

Name : Jacob Glen Cuyler, Landdrost.

Stock : 6 Persons comprising his family

22 Hottentots

5 Prize Negroes

15 Slaves

69 Horses

478 Oxen and Cows

782 Sheep and Goats

25 Pigs

14½ muids sown

44 muids reaped

2 Erven

5 Places consisting of 14,982 morgen and
441½ roods.

[Enclosure 36 in the above.]

CAPE TOWN, 17th January 1825.

MY LORD,—We lately had the honor of addressing certain observations to your Lordship upon the conduct and views of Lieutenant Colonel Cuyler, the Landdrost of Uitenhage, as exemplified in the explanations he had given touching the application of Mr. P. Maré for the grant of the vacant land lying between the boundary of his present estate and that of the Hottentot Institution at Bethelsdorp, as well as that by which the Lieutenant Colonel had himself obtained on a former occasion a grant of a tract of land situated upon both banks of the Zwartkops River. We had not at that moment in our recollection, the declaration that had been made on this last subject by Mr. P. Maré himself ; but as we now find that it both explains Colonel Cuyler's conduct in the administration of that important branch of the King's Prerogative that is delegated to your Lordship, of distributing the vacant lands of the Colony to individuals, and throws a light upon the motives of the exertions he is now making to forward the pretensions of Mr. P. Maré, we think it our duty to submit to

you the declaration of this gentleman made upon oath in open Court before the Commissioners of Circuit at Graham's Town in the year 1820.

It is fit we should explain to your Lordship that Mr. P. Maré was called as a witness upon that occasion to prove one of the charges that Mr. Huntley had been accused of making against Lieutenant Colonel Cuyler, the Landdrost of his district, and which is contained in the first paragraph of the Extract that we have now the honor to enclose.

It appears from the proceedings that Mr. Huntley, who was prosecuted for a libel on Colonel Cuyler, was permitted to give evidence of the truth of it, and we accordingly find that Mr. P. Maré distinctly deposed on this occasion that upon mentioning to Colonel Cuyler that he was desirous of applying to the Colonial Government for a piece of land, he was informed by the Colonel *that he himself had applied for that piece of land, but could not obtain a grant of it, as it must be left for the Public use.* He further proved that some time after he was requested by the Landdrost to inspect, in his capacity of Heemraad, a portion of the same land, which Colonel Cuyler it appears had previously applied for and obtained ; and that when Mr. Maré endeavoured to obtain another portion for himself, that had not been included in the Colonel's first grant, he had the mortification of hearing from the Colonel, when he was sitting as Landdrost, that this land had also been given away to him.

The identity of the land seems by this evidence to be established as lying between the Zwartkops River and the sea, and from the mode of its admeasurement as sworn to by Mr. Maré, it is but too well confirmed that the convenience of the Public has been sacrificed to the desire of Colonel Cuyler to extend his possession along both banks of the River.

We feel that it is perfectly unnecessary for us to make any further comment upon this declaration of Mr. Maré, which from the circumstances that have lately arisen has acquired an importance which did not appear to have been attached to it at the time by the Commissioners of Circuit, before whom it was made. Altho' Colonel Cuyler called no witnesses to disprove the evidence of Mr. Maré on the charge in question, the Court came to the decision that the complaint was groundless, and as Mr. Huntley was considered to have failed in the

proof of some of his charges, he was fined in the sum of 300 rixdollars and costs. We have &c.

(Signed) JOHN THOMAS BIGGE,
WILLIAM M. G. COLEBROOKE.

Lord Charles Somerset.

[Enclosure 37 in the above.]

UITENHAGE, 17th February 1825

MY LORD,—I have the honor in compliance with the directions contained in Sir Richard Plasket's letter of the 5th present month, transmitting me copies of letters which have been addressed to your Excellency by His Majesty's Commissioners of Inquiry of date 3rd, 4th, 5th, and 17th January last, relative to the manner in which I had conducted myself in the execution of my duties as Landdrost of this District in the several cases therein alluded to, and calling upon me for such additional explanation on the subject thereof as I may be able to afford, as it is your Excellency's intention to transmit these documents to Earl Bathurst.

I have the honor in reply to His Majesty's Commissioners' letter of the 3rd ultimo, to state in further explanation that I am unconscious of the charge of unfriendly feelings against the increase and prosperity of the Missionary Establishment at Bethelsdorp. I have ever made it my duty to give them that support and protection they deserved, tho' I have often been grossly misrepresented, and that I have reason to think often originated in the conduct of the Missionaries themselves, and during the presence of His Majesty's Commissioners at this place, every attempt to represent my character and conduct in the most odious point of view was attempted; even those who had not any shadow of grievance were called on to come forward and complain of me to His Majesty's Commissioners. Doctor Philip personally exerted himself in that way as the annexed Certificate (No. 1) may show. Allow me to ask your Lordship if such is not enough to create unpleasant feelings, but I trust on the fullest investigation that my general conduct towards the Institution has been becoming of my situation, in the discharge of my duty as Landdrost, which I have ever

endeavoured to perform to the best of my ability. I also beg to solicit your Excellency's patience to read the annexed original letter from the Directors of the London Missionary Society, (No. 2) handed me by Reverend Doctor Philip and the Reverend Mr. Campbell, on their arrival here, and at which time they presented me in the name of the Society several volumes of most elegantly bound books, transactions of the Society from its commencement to that year, together with original letters from Doctor Philip to myself, which I trust will convince your Excellency I was not unfriendly disposed to the Institution at that period, nor even to the Reverend Doctor himself.

With respect to my recommending Mr. Maré in preference to Mr. Kitchingman in behalf of the Hottentots for the Land, the letters that have passed between the Colonial Office and myself, that from the Colonial Office of the 16th April 1824, and my reply of the 29th same month, will I hope explain themselves. I endeavoured in my communication in reporting upon the Memorial of Mr. Kitchingman to make a fair statement of the case, and I trust I did so, unbiassed and impartial. On this report it pleased your Excellency to direct that the Lands between the Institution and Mr. Maré's place should be proceeded on to be granted to Mr. Maré. I believe I omitted in my former statement, in reply to the Colonial Secretary's letter of the 30th July last, in which the objections to Mr. Maré's getting this new land were, to add that the Loan Lease of the lands now held by Mr. Maré is years prior to the Establishment of Bethelsdorp, and the original proprietor Van Rooyen was killed in his own door by the roving Kaffers and Hottentots before that period, and which in judicial cases would claim a preference. I am accused by His Majesty's Commissioners of Inquiry of recommending at an earlier period, in 1808 and 1809, an encrease of land to the Bethelsdorp Establishment, which opinion they are pleased to charge me now of differing from. I had hoped the explanation I had the honor to give to His Majesty's Commissioners in this particular, would have been sufficient, namely that these points had subsequently been determined by Government, with the concurrence of the Missionaries. All Doctor Van der Kemp's requests and representations were, I believe, duly

received at the Colonial Office, and the replies thereto by him, all of which must have been known to Mr. Read, who succeeded him in the direction, or superintendence, when the limits of their ground were finally fixed by Sir John Cradock when on his visit in 1813. The Surveyor, Mr. Knobel, was directed to form a map, showing the extent of ground between the Missionary Institution at Bethelsdorp and the neighbouring Loan places and the mouth of the Zwartkops River. copies of the correspondence I then held with the Colonial Office I have the honor of annexing hereto, by which your Excellency will perceive the sketch above mentioned and the diagram of the lands as measured by Mr. Knobel, by order of His Excellency Sir John Cradock, which determined and fixed the limits : and that with the concurrence of Messrs. Campbell and Read. And I have the honor to refer your Excellency to these sketches so forwarded by Mr. Knobel, as referred to in the before recited correspondence to the Colonial Office, Mr. Campbell, one of the London Missionary directors, sent out purposely to see into the state of the Institutions, and Mr. Read, a missionary who first commenced the establishment of Bethelsdorp with Doctor Van der Kemp, and at the time of fixing the Boundaries the directing Missionary, consequently well acquainted with all the circumstances of the case. They had every opportunity of representing their situation and wishes to the Governor of the Colony. It certainly can be of no moment to me to whom it may graciously please your Excellency to grant this Tract in question between Mr. Maré and the Institution. I had the honor of riding over it, with Sir Richard Plasket, who may also be able to inform your Excellency of its position and quality.

That I recommended Mr. Maré's claim in preference to that of the Inhabitants of Bethelsdorp I cannot accuse myself with. I acted from the best of my judgment, on the information I then possessed.

The tract in question is a dry-soil, no way fit for tillage, and can only be used for pasturage. The brushwood on it, so far as I am capable of discerning, appears to me to be of the same quality as that on the surrounding Country. it may be deemed necessary, I doubt no sufficient attest, that it is of the very

brushwood as is found on the ground of Bethelsdorp, and no better for firewood. I hope I am acquainted with the abundance and nature of the brushwood that occupies so much of the surrounding country, greater portions of which are of that sappy evergreen that is not fit for firewood, that the villagers go a greater distance than the common for their firewood is, I conceive, because from where they fetch it is from where it has been burnt, or the bush having been set fire to, and dried, when that most fit for firewood is sought after. Would the villagers be at the trouble to cut the wood and suffer it to dry, they might spare themselves going so far as they do for dry wood fit for present use, and Mr. Maré has taken some pains to fire a portion of the bush on the land he already possesses (the half of the place of Van Rooyen) and has represented the Hottentots of Bethelsdorp fetching it away, to do which they must consequently pass the intermediate tract, the subject of this communication.

I am informed a tank has lately been commenced. The attempt is praiseworthy, and when complete, if answering the purpose, will be of the utmost benefit; but I declare upon my honor I knew nothing of this tank having been begun when I reported upon the lands, the subject of this communication, nor did I know such had been begun before I had the honor of receiving this communication from Sir Richard Plasket. I am at a loss to know from whence His Majesty's Commissioners draw the conclusion "that I think that any claim the institution may have possessed upon the Government for the grant of land fit for, or capable of, irrigation is cancelled by the purchase that has been made of the Gamtoos River place by the London Missionary Society and the Hottentots."

There has never been any *disposable* land contiguous to the lands occupied by the Institution, capable of such. The places of Van Rooyen, now Buchenroder's and Maré's, and that of Jan Booysen, (which latter does not join the lands of Bethelsdorp) now my property, were ancient loan places long established before the Institution, and were only attainable, I presume, by purchase, as I at an early period explained to Doctor Van der Kemp, and which Government were not inclined to do for the Doctor. See letter No. 3, enclosure n me of the 24th April 1809, as referred to by His Majesty's

Commissioners. I purchased *Doornkraal* on the 1st day of June 1812, for rixdollars 3000, paid the man the sum he asked, and more than he had been offered by any other person, and it was the first place surveyed and granted on the amended title of perpetual quitrent in this District. It was taxed for me the same as it would have been for any other, and by the cession of it to me I got no other advantage than, I believe, any other individual would have received. I had the honor subsequently to memorial your Lordship to have title to it converted into that of Freehold, and your Excellency did me the honor to refer and recommend my application to Earl Bathurst, which however did not succeed.

Respecting the allusion I made, as stated by His Majesty's Commissioners, "of a most extravagant request of Doctor Van der Kemp, as should have been detailed in my letter to the Doctor of the 28th April 1809," I have no copy of the Doctor's letter containing that request, nor even of my reply as quoted by His Majesty's Commissioners, but recollect the circumstance and believe the copy as stated of my letter to be a correct copy, to explain which to your Lordship I think the Doctor asked for all the lands between the place of Stephanus Ferreira, now Cradock's Town, and the sea, that is between the mouth of the Ferreira's River and the Zwartkops and that between the Zwartkops River and the Institution, and extending to the West Bank of the Coega, from a line drawn (probably), at least I think such was his meaning, as the present road passes the Zwartkops River, crossing the Coega to Ado's drift on the road to Graham's Town. He meant, I conceived, all the country on the south or seaside of the road to extend eastward to the West Bank of the Coega. Such is what I think the Doctor's request comprehended. I give this from memory, and it was from my memory I made the observation I did to His Majesty's Commissioners, and the copy of my letter will imply as much (see No. 4 of the 28th April 1819 as referred to by His Majesty's Commissioners). I have not the Doctor's request, and think it is most likely I returned it to him, as the copy of my letter states. I did not forward it to Government. It would be a satisfaction to me was this request of Doctor Van der Kemp to be found amongst his papers.

If reference be had to the intention of the Batavian Govern-

ment, on its sanctioning the Settlement of Doctor Van der Kemp with the Hottentots at the spot now called Bethelsdorp, it must be concluded that that Government never could have intended to have allowed that Establishment to have ever raised to its present strength, nor to have extended its limits to the extent sought for by the Doctor Van der Kemp. It will clearly appear by the Proclamation of the 20th February 1805 (a translation I have the honor to annex) that none but (zwervende) wandering Hottentots, none on any account who had lived for the last year in the service of a Boer was to be received, (and which proclamation has never been recalled by any subsequent Proclamation, altho' I am now authorised by letters from the Colonial Office of a later date to admit all Hottentots who are not under Contract to join the Institution); which Proclamation I believe of the Batavian Government was with a view of separating the wandering Hottentots from the roving Kaffers at that time overrunning this part of the Colony, and at the very time that Doctor Van der Kemp asked to extend the limits of Bethelsdorp, the headquarters and constant residence of the Kaffer Chief Congo, father of the present Chief of that name, was at the Coegakop, on the West Bank of the Coega River, within the very limits then sought for by Doctor Van der Kemp, where I had frequently been to visit him, and where he remained till the Commando of 1811 and 1812 dislodged him and drove these wandering intruders into their own Country. At this late period of time, it is almost impossible to say what influenced me to reject forwarding the Doctor's application. Certainly, I can in honor I hope acquit myself, with no sordid views to aggrandize myself, for at that period I possessed youth and good health, and inclined to have continued my military profession, in which I probably might have been removed from this Colony. Nor was it until after the expulsion of the Kaffers in 1812 that I ever asked for Lands and resolved to remain in the Colony.

I also regret the copy of the request of Salomon Maritz is not to be found in the Office here. Perhaps the original may be found in the Colonial Office. If my memory be correct, it was for that land along the sea coast, between Stephanus Ferreira, now called Cradock's Town, and the mouth of the Zwartkops, a portion (1300 acres) of which has since been

granted to the Deal party of Settlers and for the Landing Place at the mouth of the Zwartkops River, where Sir R. S. Donkin intended the fishing village, and is the spot where he offered the Deal party two lots, as his Memorandum will corroborate, a copy of which I have the honor to subjoin.

My chastizing the Hottentot Piet Prince, who was at the time living on my place in charge of my horses, was because he disobeyed my orders. I was then building a hut for the accommodation of my family on the place, and at which he should have assisted the carpenter, instead of which one day when I happened to go there, I found him absent from the work, and fishing with some Hottentots, for which I flogged him.

His Majesty's Commissioners observe that they conceive it would have been quite as easy to have inserted the same restrictions in any grant in favor of the Institution in the year 1808, as it had been in my Grant in 1817, and remarking on the extravagance of the several grants made to me. I have already I hope detailed to your Lordship the grounds of my not forwarding Doctor Van der Kemp's request.

It is true I now possess some thousands of morgen, but all (with the exception of the Farm your Excellency was pleased to grant me below that of Buchenroder's and Maré's for my services, and even that pays a rent, which is computed fully equal to its valuation, as there is no permanent fresh water to be found on it, and not fit for tillage) on I believe the very same footing as any other individual possesses theirs. I pay the same rent and taxes in every respect as the Colonists do. I have hitherto derived very little advantage or income from them, and all the spare means I possess is laid out for their improvement, and by such I humbly conceive the Colony is as much prospered as were the lands I hold in the hands of another. No objections were made to my applications for lands, nor did I ever hear a Landdrost was not to enjoy the same right of obtaining and improving lands in the Colony as any other person. I am not aware whether I am exclusively the only Landdrost who has received these favours. Had not my services in your Excellency's opinion merited this mark of Government favor, I should not have had such conferred on me. Others who have served with me and under my

orders, whose claims I have myself brought to your Lordship's notice, have been rewarded with farms not in quitrent, but in freehold. I have not the vanity to place any personal services that I have rendered the Colony in competition with the utility of a public Institution, but when, as was the case, the limits of Bethelsdorp had been determined, and when at that time the Missionaries sought no more, it was to be presumed the adjoining lands were at the disposal of Government.

I have the honor also to annex Certificates from some of the oldest inhabitants, who have resided from their youth in this part of the Country, to show the original fishing ground or place where the inhabitants mostly resorted to take fish was at the Modder Spruit, which is some distance below the limits of my grant, and in which vicinity between the Spruit and the river's mouth is the so called Landing Place or site for a Fishing Village, which with some considerable portion of land fit for grazing, and represented as the only place where drink water is to be had, is still unceded, and not interfered with by the grant it graciously pleased your Excellency to make to me ; and I should hope the reservations inserted in which are fully ample to secure the future navigation of the river and the privileges of the public. I have hitherto kept my breeding horses in this tract, and which are at the present day running there ; and occasionally when water is procurable in the vleis, my sheep, and have amused myself and taken my family with me sometimes to spend a day at fishing, and must say that the best and almost only fishing place I frequented was some distance below my own ground, near the mouth of the river, and where we invariably caught the finest fish, which if required my servants can attest. I have &c.

(Signed) J. G. CUYLER.

His Excellency Lord Charles Somerset.

P.S. I have the honor to subjoin a copy of the Charter of Bethelsdorp.

[Enclosure 38 in the above.]

SOUTH AFRICA, ALGOA BAY,

FORT FREDERICK, 31st May 1803.

J. W. Janssens, Governor and Commander of the Cape of Good Hope, to

Mr. J. T. van der Kemp, Head of the Institution for the conversion and instruction of the Hottentots now at Algoa Bay.

SIR,—The Commissary General Mr. J. A. de Mist being at present in South Africa on behalf of the highest power of the Republic, for the purpose of reorganizing the Colony and framing laws for the same, it will rest with him to decide on what foundation, and under what advantages and obligations the various missions for the conversion of the Heathen in this Settlement shall be placed. On one point I can previously afford my assurance that the aborigines will find in him an upright and powerful protector.

The situation in which you are now placed with the Hottentots belonging to your school can no longer remain on the unsettled footing which it now has; without labor, and consequently without the productions of the earth, men cannot live. Therefore as much as it is in my power to comply with your request, I consent to the location of your establishment on that spot which was yesterday selected under my authority by Mr. Dirk van Reenen, the Commandants Botha and Van Rooyen, Mr. Gerhardus Oosthuisen, and on your behalf by Mr. J. Read, and situated at the Roode Pan, near a spring between the quitrent places of Thomas Ignatius Ferreira, Senior, and of the widow Scheepers, and that according to your desire it may bear the name of Bethelsdorp.

According to the report made to me this place is well adapted for the support of cattle, the cultivation of grain and the laying out of gardens.

I have no special Chart of this District, and am far from the records and registers of the Colony, thus the grant is of course under condition that the right of no one when such is satisfactorily and lawfully proved be thereby invalidated, and it will be necessary that you should conduct yourself with regard to the neighbouring places according to the laws hitherto in

force, and in like manner your neighbours will be bound to conduct themselves towards you.

The formalities which are required for the grant of a piece of land on loan must take place after I shall have returned to Cape Town.

The definition of the Boundaries of Bethelsdorp I shall entrust to the Commanding Officer at Algoa Bay and the Field Cornet of the District, and you can allow some one to assist them.

The following is however to be provisionally laid down as a general rule :—

1st. The Institution of Bethelsdorp is placed under the protection of the Commanding Officer of Fort Frederick.

2nd. The Institution is to recognize no other power or political influence than that of the Batavian Government, which the Hottentots are to be apprized and made sensible of.

3rd. None who is under legal contracts by which they have engaged to serve the Inhabitants are to be admitted into the Institution, but on the contrary they are to be induced willingly to enter the service of the inhabitants, and can for that purpose make written conditions in the spirit of the provisional regulations which the Commissary General and the Governor have proposed on behalf and for the protection of the Hottentots, and with which Mr. Van der Kemp has been made acquainted by the Governor.

4th. In any differences which may arise between inhabitants and Hottentots, and which cannot possibly be adjusted by the Missionaries, they are to give notice to the commanding officer at Fort Frederick, who shall hear the Fieldcornet and parties, and until the Civil Authorities be appointed shall previously decide thereon.

5th. Mr. Van der Kemp shall deliver as far as practicable to the commanding Officer of Fort Frederick a register of the names. And when the projected Institution at Bethelsdorp shall be established it will be less difficult to furnish such list quarterly, particularizing the Hottentots who have newly been admitted into, or left the Institution.

6th. It is the desire of Government that the number of Hottentots should not become too extensive at one place, and on a considerable augmentation it would point out other

situations, considering it however preferable that many should remain with the inhabitants.

7th. No Hottentots are to be allowed firearms. Mr. Van der Kemp and his Hottentots may, as well as the other inhabitants, have firearms such as are used for killing game, or he may provide them with a permission for the same.

8th. A small quantity of gunpowder must always be kept in the Institution. The Commanding Officer of Fort Frederick is authorised to issue small quantities of gunpowder to Mr. Van der Kemp on his applying and paying for the same, according to the regulated price.

9th. Hottentots from among the Kaffers or from wandering Tribes or otherwise joining the Institution must immediately give up their arms, which must be deposited with the commanding officer of Fort Frederick.

10th. Mr. Van der Kemp shall take especial care that the Hottentots afford the Inhabitants no well founded reasons for complaint.

11th. The Institution shall coöperate with all good Inhabitants in the promotion of order, harmony, security and general defence.

12th. As the Institution possesses the advantage of the special protection of the Commandant of Fort Frederick it shall in return render itself as useful as possible to the Garrison.

13th. No service is required or expected by Government from the Hottentots without good treatment and a fair reward.

14th. Mr. Van der Kemp will use the influence he may possess to prevail upon the Hottentots not belonging to his Institution (such as Stuurman and his people) to preserve peace, order and obedience.

The Governor hoping that these provisional instructions will be sufficient to keep the affairs free from confusion, wishes Mr. Van der Kemp and his institution Heaven's most gracious blessings, and trusts that his exertions for the welfare of the natives of the Colony, and that of the Republic in general, may prosper, and inviting Mr. Van der Kemp to keep up a constant correspondence with him, he subscribes himself with esteem

(Signed) J. W. JANSSENS.

The Commissary General on the part of the Batavian Government having read the foregoing articles containing the terms upon which the Governor and Commander in Chief of this settlement has conceded to the Institution for the civilization of the Hottentots, under the direction of Mr. Van der Kemp, the use of the ground situated at Algoa Bay, and called by him Bethelsdorp ;

And having personally investigated the principles of this institution, approves of and confirms the concession of the land chosen for it, as well as the conditions above expressed, with the following addition and amplification.

That within 12 months from this date the provisional admeasurement of the ground of this village or the fixing of its landmarks shall be requested by the Director of the Institution, from the Commanding Officer of Algoa Bay, who with the Field Cornet of the District are hereby authorised to perform such admeasurement, and point out the Boundaries to a moderate and sufficient extent (exceeding in space, rather than being too confined) to afford the Hottentots the means of laying out gardens, corn lands, and meadows for cattle.

2. That the Boundaries so pointed out shall be immediately marked out by the men of the Institution by the planting of trees, shrubs, or aloes, or the placing of very conspicuous stones, to the intent that all misunderstandings with the neighbours may now or in future be avoided, on further enlargement the land now ceded can again be extended.

3. That neither the whole nor any part of this land shall be sold for money, or any valuable consideration, or transferred in freehold to any person who will not fix his residence in this village, the purchase money shall be solely for the benefit of the general chest, or purse of the Institution of the village.

4. That the Missionaries or Directors for the time being of this Institution shall never on any account preach, instruct, or hold the so called meetings, either for Christians or Hottentots in any place, village, or District in which an ordinary Minister of the Reformed Church actually performs service by public authority ; vacant churches are thus, during the period in which no ordinary minister is present, not comprehended in this prohibition, which otherwise extends and shall be made known to all missionaries whatever.

5. With regard to the payment or not, of the quitrent for the ground so allotted to the Institution of Bethelsdorp, the same shall as long as it acts in conformity with the foregoing conditions be treated in all respects in like manner with the Institution of the Evangelical Fraternity of Baviaan's Kloof.

6. The Director shall by the first opportunity give notice to the Governor and Commander in Chief of this confirmation and of these additional articles.

Thus done at Algoa Bay, the 12th January 1804.

(Signed) J. A. DE MIST, Commissary General.

Accurately compared with the original.

(Signed) J. T. VAN DER KEMP.

[Enclosure 39 in the above.]

UITENHAGE, 2nd January 1824.

I the undersigned do hereby certify that the Hottentot boy named Daniel Soldaat entered into a regular contract with me for the space of twelve months, commencing from the 3rd June 1823.

On the 29th December he begged permission to have a pass for two days to proceed to Bethelsdorp School, which I granted. On his arrival there he was interrogated by Doctor Philip to know if he had been employed at any particular time by Colonel Cuyler. The reply was "no." Have you, said Dr. Philip, any cause of complaint against the said Colonel Cuyler; if so, this is your time for satisfaction, or never an opportunity will perhaps occur again.

The Hottentot boy under some motives given him by Dr. Philip, absented himself without permission from my employ, and said (although under contract) that he was *free*, and would not lay under any terms but of his free will and accord.

I beg leave to know whether the law of this Colony is justifiable in allowing him (the Hottentot) so to do.

(Signed) D. W. VAN EYK.

[Enclosure 40 in the above.]

LONDON, 9th November 1818.

SIR,—The Directors of the London Missionary Society embrace the opportunity which the visit of their deputation to the Colony presents of requesting you to accept their sincere and grateful acknowledgements for the many and various favors which in your high official capacity you have rendered to our missionaries, and humbly to entreat your further countenance and support. We beg leave particularly to recommend to your favor the Revd. Dr. Philip and the Revd. John Campbell, Deputies from the Missionary Society and Directors of the same, who visit Africa for the purpose of inspecting the different Stations occupied by our Missionaries and settling their affairs in the best order in their power ; in which undertaking they will be very thankful for that counsel and direction which your long acquaintance with the state of the Colony, your knowledge of the natives, and your regard for the interests of Christianity will prompt you to suggest. We have &c.

(Signed) W. ALERS HANKEY, Treasurer,
GEO. BURDER, Secretary.

Colonel Cuyler, Landdrost of Uitenhage.

[Enclosure 41 in the above.]

BETHELSDORP, July 25th 1819.

MY DEAR SIR,—The Directors of the London Missionary Society are much indebted to you for the excellent escort with which you have had the goodness to furnish their deputation in their late tour to Theopolis. We saw no Caffers, but we heard much of them, and witnessed some of the painful effects of their depredations. The people of Theopolis have a lively impression of the terrors with which they were inspired by the late attack upon the Settlement, but they have made excellent preparations for their own defence, and should they have another visit from their ferocious assailants they seem to have no doubt as it respects the consequences.

I regret to say that four of the escort were without my

knowledge left a little behind to bring up some sheep that could not keep pace with the waggons, but I expect them every hour, and they shall be sent to Uitenhage immediately on their arrival. It is but justice to say that no blame attaches to the Corporal in this matter, and that our little military band conducted themselves on all occasions with the greatest propriety.

My fellow traveller Mr. Campbell requests me to present to you his best respects, and to say that we intend to do ourselves the honor of waiting upon you to-morrow to thank you for this instance of your attention to our comfort and safety on our late journey. I am &c.

(Signed) JOHN PHILIP.

Colonel Cuyler, Uitenhage.

[Enclosure 42 in the above.]

BETHELSDORP, *April 2nd 1819.*

MY DEAR SIR,—I have on a late as on some other occasions found indecision to be the fount of regret. When my fellow traveller and I left you on Monday last, it was our intention to leave Uitenhage early in the evening, but by an importunity which we should have resisted, we allowed ourselves to be detained till it was too late either to proceed or return to the Drostdy house. I am the more sorry for this circumstance, as I may not have the pleasure of seeing you again on the present occasion. The state of our missions requiring my presence in Cape Town, it is determined I should proceed thither as soon as the weather settles. Had I not been prevented by the rain I should have visited Uitenhage yesterday. If we are detained here any time I may perhaps see the Drostdy again before I leave this part of the Country, and if it is in my power to come over and spend a night with you you may rest assured that I shall avail myself of your kind invitation and take up my abode under your hospitable roof. Mr. Campbell has determined to wait the issue of the Kaffer War before he proceeds into the Interior, and he will not be left at Bethelsdorp, but has decided upon returning to George. Our purpose at present is to set off altogether as soon as the weather gives us any reason to hope that it will be fine. We have a man

waiting at the Drostdy for letters, and if you could give us any news respecting the Commando or the Kaffers, it would be very acceptable.

I have left some cotton seed at Bethelsdorp, and I mean to send small quantities to the other stations for trial. Copies of Colonel Bird's letter you were good enough to send me shall be sent to our stations. I observe that the Colonel's letter is decisive as far as it respects the cultivation of cotton and flax, but I fear they never could be cultivated at any of our stations so as to render it worth while to cultivate them for the exportation of the raw material, and our principal object in proposing to cultivate them is to furnish employment for the people, particularly the young women, in manufacturing them ; and on that part of the subject the Secretary is not so explicit as I could have wished. This however will be cleared up when I have the opportunity of seeing him at Cape Town.

We must if possible have Bethelsdorp removed. The obstructions to our plans of improvement are insurmountable, and it is a pity that it should always remain the disgrace of missionary exertions. The place you mentioned to me on the Gamtoos River will probably be visited by Mr. Barker and one or two of the most intelligent of the Hottentots. Mrs. Kemp's place we hope to see on our way to Cape Town. The Hottentots are anxious for a place on which they can lead out water for the purpose of irrigation, and it is a question with them whether Mrs. Kemp's farm is in possession of that advantage.

The friendship which the deputation of the London Missionary Society have experienced from you, the obligation which the Society is under to you for former services to their stations, and the favor which you bear to the object of our Missions leave us no room to doubt but that you will, when anything of importance is depending between us and the Government, in as far as is consistent with the duties of your station throw your influence into our scale. I shall have several favours to ask on my return to Cape Town, and respecting some of them you will in all probability be consulted.

Lest I should not have an opportunity of seeing you again

on the present occasion, I cannot conclude this hasty scrawl without assuring you that my fellow traveller and myself and all our little party leave this place highly gratified with the attentions which we have received from you and from Mrs. Cuyler.

With best wishes for you, Mrs. Cuyler, and your dear children, in which Messrs. Campbell, Moffat and Evans join with me,

I am &c.

(Signed) JOHN PHILIP.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 43 in the above.]

CAPE TOWN, *December 10th* 1819.

MY DEAR SIR,—The Directors of the London Missionary Society are much indebted to you for the favor which you have shewn to the people in Bethelsdorp and for the interest you continue to take in their welfare. I am Mr. Barker on all occasions consults you respecting the proposed removal of the Institution, and I hope he will do nothing in it without your approbation, and with so many missions as are dependent on the Society a rigid economy in the application of its funds is particularly necessary, and if there were no other objection to Lochenberg's place than the price asked for it, that would be sufficient. Your objections to the farms which are to sell in the neighbourhood of Somerset are satisfactory and conclusive. From a conversation I have had with the Governor respecting Kafferland, I can perceive that His Excellency would not in the present state of things consider the removal of the institution to that river as advisable, all circumstances considered we appear to have no alternative but to continue the institution at Bethelsdorp till a better situation is found than any of those already in view, or to remove it to Theopolis.

On this point I shall probably be favoured with your opinion soon. The Governor is decidedly in favor of uniting the Institutions. At the request of His Excellency I have just finished a Memorial on the proposed emigration from England

to this Colony. I understand his Lordship intends to take it home with him to shew it to Lord Bathurst.

In writing it I found I was writing upon a subject on which I could not satisfy myself, but I was not willing to refuse a compliance with the Governor's wishes lest he should have supposed I was not willing to serve his Lordship. It is possible I may see you soon. General Donkin has hinted to me that he would be glad if my avocations would allow me to be in the Zuurveld when it will be necessary he should be there.

I am afraid that the settling of the emigrants will be a troublesome business.

My eagerness to have the Memorial for the Governor finished this morning has occupied my time till I am afraid that this letter will be too late for the post. I am much obliged to you for the excellent root of the *augustifolia* you have had the goodness to send me. With best respects to Mrs. Cuyler and best wishes for you and your family, I am &c.

(Signed) JOHN PHILIP.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 44 in the above.]

CAPE TOWN, *March 13th* 1821.

DEAR SIR,—You will excuse the liberty I have taken in introducing my friend Mr. Kitchingman to your acquaintance and kind attentions. When Mr. Kitchingman left Cape Town I was quite uncertain whether he would remain at Bethelsdorp or go on to Theopolis, and my uncertainty on this point was the only reason which prevented me from giving him an introductory letter to you when he left Cape Town.

Mr. Kitchingman is an unostentatious man, of a modest retiring disposition, but he improves on acquaintance, and you will find him a man of talents and of sterling honor and worth. I hope the good effects of his labors will soon be manifest at the Institution. You must have had much to do with our emigrant countrymen for some time past; I hear they are very troublesome. You are of course apprised of the Governor's intention of paying you another visit soon. We are still in a state of uncertainty respecting the return of

Lord Charles ; it does not appear that anything official has yet been received on the subject. His Lordship's interest carried the point in Cabinet several months ago, but the opposition from a certain high quarter to his return to the Government of the Cape is said to have been so strong that his friends will be disposed to yield the matter if they can help the Beaufort interest by any other means. We are at present in sad confusion in Cape Town. The Court of Justice and the Court of Admiralty have got into a litigation respecting their respective authorities, and the Town is quite divided into parties on the subject.

With best respects to Mrs. Cuyler I have the honor &c.

(Signed) JOHN PHILIP.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 45 in the above.]

COLONIAL OFFICE, 16th April 1824.

SIR,—His Excellency the Governor has directed me to transmit to you the enclosed copy of a memorial from Mr. J. Kitchingman praying on behalf of the Hottentots for the grant of the Gorah and Todowee and of the unoccupied land situated between the Institution and the adjacent farms, for your early report thereon. I have &c.

(Signed) P. G. BRINK.

Lieutenant-Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 46 in the above.]

To His Excellency Lord Charles Henry Somerset, Governor
and Commander in Chief, &c., &c., &c.

Memorial of James Kitchingman on the behalf of the Hottentots of the Institution of Bethelsdorp humbly sheweth,

That the ground allotted to Bethelsdorp not having a sufficiency of water for irrigation can only be cultivated in very wet seasons, which has proved a great discouragement to the Inhabitants thereof, as generally their crops have perished by drought.

That from the scarcity of grazing at Bethelsdorp they are compelled to keep a great number of their cattle on the places of the farmers, which occasions many losses and great inconvenience, that there is in the District of Uitenhage an unoccupied tract of grazing ground known by the name of Gorah supplied with a small spring and some periodical natural ponds (vleis) which in favorable seasons would be able to support a number of cattle for a period, and from the nature of the grass would be particularly advantageous for the cattle belonging to the Institution as a change of pasturage.

That there is another unoccupied piece of ground in the District of Uitenhage, called Todowee, supplied with springs which with considerable labor might be led out to irrigate a portion of ground and afford the means of cultivation.

Your Excellency's Memorialist therefore humbly requests that your Excellency may be pleased to grant to the inhabitants of Bethelsdorp these two pieces of ground.

Your Excellency's Memorialist has further to represent to your Excellency that there are some small portions of ground between the ground measured for this institution and the surrounding farms, which have been used hitherto for grazing the cattle belonging to the Institution, and the loss of which should anyone else obtain possession thereof would be felt very severely by the inhabitants of the Institution, who most humbly pray your Excellency to be pleased to grant all such unoccupied ground situated adjacent to Bethelsdorp.

And your Excellency's Memorialist as in duty bound will ever pray &c.

(Signed) JAMES KITCHINGMAN.

BETHELSDORP, 30th March 1824.

[Enclosure 47 in the above.]

(The same as Enclosure 30.)

[Enclosure 48 in the above.]

COLONIAL OFFICE, 19th May 1824.

SIR,—I have received and laid before His Excellency the Governor your letter of the 29th ultimo, unfavourably reporting on the memorial of Mr. J. Kitchingman praying on behalf of

the Hottentots at Bethelsdorp for the grant of the Gorah and Todowee, and of the unoccupied land situated between the institution and the adjacent farms, and am directed to acquaint you that as you have so strongly recommended the claims of Messrs. Maré and Taylor to certain parts of the land now requested by Mr. Kitchingman, His Excellency has desired his memorial to be negatived, and His Excellency wishes you therefore to proceed to the putting in train the grants for the applicants you have now brought under His Excellency's notice. I have &c.

(Signed) P. G. BRINK.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 49 in the above.]

COLONIAL OFFICE, 30th July 1824.

SIR,—I am directed by His Excellency the Governor to acquaint you that it has been stated to him that the property of Mr. Maré, to which the additional land now prayed for by him is contiguous, was purchased by him some years ago, and that he disposed of one moiety of it, that nearly about the same time Mr. Maré obtained grants of two tracts of land in the vicinity, and disposed of them also; that not expecting to obtain the grant of land that is now measuring for him, he applied for and obtained a place called Doornkloof near the mouth of the Sunday's River, the inspection of it having been made before the memorial was drawn out.

That Mr. Maré has also disposed of a tract of land that was granted to him in the District of Graaff Reinet, and that the land he has now applied for has hitherto been used as grazing ground by the Hottentots of Bethelsdorp, and includes a kloof from which they have been in the habit of cutting firewood, an article that they are not able to procure elsewhere with facility, and I am to desire that you will be pleased to favor His Excellency with such explanation as you may have to offer on the above statement. I have &c.

(Signed) P. G. BRINK.


Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 50 in the above.]

UITENHAGE, 11th August 1824.

SIR,—I have the honor to acknowledge the receipt of your letter of the 30th ultimo acquainting me that it had been stated to His Excellency the Governor that the property of Mr. Maré, to which the additional land now prayed for by him is contiguous, was purchased by him some years ago, and that he disposed of one moiety of it, that nearly about the same time Mr. Maré obtained grants of two tracts of land in the vicinity, and disposed of them also, that not expecting to obtain the grant of the land that is now measuring for him, he applied for and obtained a place called Doornkloof near the mouth of the Sunday's River, the inspection of which having been made before the Memorial was drawn out, that Mr. Maré has also disposed of a tract of land that was granted to him in the District of Graaff Reinet, and that the land he has now applied for has hitherto been used as grazing ground by the Hottentots of Bethelsdorp and includes a kloof from which they have been in the habit of cutting firewood, an article that they are not able to procure elsewhere with facility, and desiring such explanation from me as I have to offer on the above statement.

I have the honor in reply to state that from the result of my inquiries it appears that the farm called the Zwartkop's River's Waggon-drift, formerly belonging to Mr. Lucas Marthinus van Rooyen, was after the same had been granted on the amended title of perpetual quitrent, sold to Mr. W. L. von Buchenroder, who agreed for the purchase that he and Mr. P. Maré Senior should each have the one half, that accordingly Mr. Maré paid for his half, but Buchenroder was not able to do so, when in order to enable the transfer to pass Mr. Maré (who had more credit with the seller than Buchenroder) became the purchaser of the entire estate, and was to reconvey the one half afterwards to Von Buchenroder, which was done, as the enclosed statement from Mr. Maré will corroborate, and if reference be made to a communication from the Colonial Office of April 1817, of which I enclose a copy, it will be seen that Mr. Maré applied to have the right which had been granted to him by Sir John Cradock to hold a place under Graaff Reynet free of rent for his life-



time, I believe in reward of his meritorious service in that District, transferred to the one half of the place he had purchased on the Zwartkops River, from which it will appear that Mr. Maré never intended to have held more than the one half to my certain knowledge, and that he received no advantage by the transfer made to Von Buchenroder; it was merely as he was looked upon by the seller as a better paymaster than Von Buchenroder that he was placed in the transfer as the person to hold the full place, and afterwards to transfer the half again.

The two tracts granted to Mr. Maré in the vicinity, he has also explained that they were not such as to be of use to him in the support of his large family, which induced him to part with them. He was a stranger and not well acquainted with their nature. He afterwards memorialised for a piece of grazing ground on the Quagga's flats, which was in consequence of his memorial not having arrived, inspected for Mr. Henry Lovemore, and thus disappointed he sought and asked for the place Doornkloof which has since been measured and reported upon to be granted to him, that the place was inspected previously to his presenting a Memorial occurred from the circumstance of his appearing in the inspection of Mr. Lovemore's tract, when he asserted that he had twice memorialised for that tract and could not support his family and cattle on the tract he had on the Zwartkops River, and begged if he could not get that tract, he might get another vacant tract the Doornkloof (which from his letter appears inadequate for the support of his family) in the vicinity, which happened to lay in the tour of that inspection, and was accordingly inspected and the Surveyor directed to measure the same on the arrival of the Memorial. The Memorial will be found dated 5th August 1823, and it appears to have been measured on reference to the diagram 11 September, and was reported upon and transmitted from hence on the 26th September 1823.

That as to the lands Mr. Maré has now measured for him adjoining his residence having been hitherto used as grazing ground by the Hottentots of Bethelsdorp, and including a kloof in which they cut firewood, and which article they cannot procure elsewhere with facility &c., the Hottentots have not restricted themselves to the lands allotted to them either in

grazing cattle or cutting firewood, which their neighbours have often had reason to complain of, and if reference be made to the diagram of Bethelsdorp, there will be found no less than 1435 morgen covered with brushwood exactly of the same sort as that growing on the tract now measured for Mr. Maré, and certainly more conveniently situated for firewood for them.

The granting of the tract contiguous to the dwelling place of Mr. Maré (and lately measured, and only waiting the arrival of the Heemraad who accompanied the Inspection to be reported upon) to any other would be a serious injury to that respectable and deserving man. I have &c.

(Signed) J. G. CUYLER.

P. G. Brink, Esqre.,
Acting Colonial Secretary.

[Enclosure 51 in the above.]

COLONIAL OFFICE, *2nd April* 1817.

SIR,—Application having been made to His Excellency the Governor by Paul Maré (to whom His Excellency Sir John Cradock had granted the place Blomskraal situated in the District of Graaff Reinet rent free during his lifetime) to be allowed to sell the said place subject to a yearly rent payable to Government and that the privilege of rent free may be extended to half of the place which the applicant now occupies in the Uitenhage District called the Zwartkops River Waggon Drift, I am directed to acquaint you that His Excellency has given his assent thereto, and that the Receiver of Land Revenue has been directed to carry this into effect accordingly.

I have &c.

(Signed) HENRY ALEXANDER.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 52 in the above.]

ZWARTKOPS RIVER, *10th August* 1824.

SIR,—In answer to your question respecting places I before occupied and those I now possess, I have to state,

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1st. I have asked for the place Blomskraal in the District of Graaff Reinet, applied for to His Excellency Sir John Cradock, which he was pleased to give me without recognition during my life, as a reward for services. Upon which I thought proper to abandon the District of Graaff Reinet and went to settle myself in the District of Uitenhage, and on the 4th September 1815 I bought conjointly with W. L. von Buchenroder in two equal parts the place called the Zwartkops River Waggon Drift. I paid my share in ready money. Buchenroder would not pay his share, which obliged me to pay his share also in order to have said place put in my name. Buchenroder therefore ceded his share, and caused the entire place to be put in my name, on condition that should Buchenroder repay me the money within two years I should then return to him the moiety of said place, which took place at the appointed time.

I have also presented a memorial to His Excellency Lord Charles Somerset to have the right I have in the place Blomskraal in Graaff Reinet transferred to the half place Zwartkops River Waggon Drift, and to be allowed to sell the place Blomskraal, so that it may pay recognition to Government, which His Excellency was pleased to permit, as communicated to me on the 16th April 1816.

I have also asked for two pieces of land, one called Rhenosterfontein and the other Koegas Rivier, but I found them not to be useful to me, and therefore sold them again.

Then I presented two memorials for the land the Quaggas Vlake between P. Maré Junior and W. Poole, which was afterwards given to Mr. Lovemore.

I have then again asked for the Doornkloof, because that I am confined with a large stock of cattle to half a place only, and I have still nine children at home, and five married children with their families live with me, viz. D. H. Maré has about 50 head of cattle and 70 sheep, P. J. Maré 25 head, W. W. Maré 40 head, P. G. Maré 40 head, my son in law John Krog 25 head.

You will surely know that the place Doornkloof is for months together without water, all the water there being that which collects in pools, wherefore I have been obliged to ask for the land between Bethelsdorp and my half place, the more

whereas I have been at great expense to form a new water-course on the side of the land asked for.

I hope thus to have satisfied your enquiries, and remain &c.

(Signed) P. MARÉ.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 53 in the above.]

UITENHAGE, 3rd October 1807.

SIR,—I am honored with your letter of yesterday. No copy of the Charter of Bethelsdorp can be found in the Secretary's office of Uitenhage, but I am myself of opinion that a loan place should not be granted between you and the actual neighbours. Herewith I send you a *Gazette* as also a packet for Captain Lawrence, which I beg the favor of you to send to the bay by the first opportunity. Your letter for the Cape I'll forward.

I have &c.

(Signed) J. G. CUYLER.

Dr. Van der Kemp.

[Enclosure 54 in the above.]

UITENHAGE, 6th September 1808.

SIR,—I am yesterday honored with your letter with several accompanying ones addressed to persons of Cape Town, which I shall forward per first conveyance.

The probability of your obtaining one of the three adjacent loan places, viz.,

That of Mr. Van Rooyen,

That of Jan Booysen,

That of Hannes Kuntz,

in addition to the ground occupied by your Institution, rests in my opinion,

1st. Whether the occupiers are willing to dispose of their improvements and right of possession.

2nd. If they are willing to sell them, then what will they expect.

And after this point is ascertained, then I should recommend your applying to His Excellency the Governor through me, stating particulars; as I shall not send off the post for these few days, you have time to apply to the occupiers of these places, if you are so disposed, and communicate the result to His Lordship. I have &c.

(Signed) J. G. CUYLER.

Dr. Van der Kemp.

[Enclosure 55 in the above.]

UITENHAGE, 24th April 1809.

SIR,—I have the honor to transmit to you the extract of a letter received by me from the Colonial Secretary, viz.

SECRETARY'S OFFICE, 17th March 1809.

SIR,—With regard to encreasing the limits of the Establishment of Bethelsdorp, His Excellency would be extremely happy in meeting Dr. Van der Kemp's views in this point, could it be done by the cession in Loan of any land belonging to Government, but His Excellency does not feel himself warranted in putting the Public to any expence by making purchases from the adjacent farmers as suggested in Dr. Van der Kemp's correspondence.

(Signed) C. BIRD.

With much respect I have &c.

(Signed) J. G. CUYLER.

Dr. Van der Kemp.

[Enclosure 56 in the above.]

UITENHAGE, 28th April 1809.

SIR,—I was last evening honored with your letter of the 25th present month, and am sorry it is not in my power to forward your request to His Excellency the Governor to grant the land you solicit to have in addition to your present limits. A part of the land stated in your request, viz. that between Stephanus Ferreira's, Algoa Bay, Bethelsdorp, and the west side of the Zwartkops River was more than a year since petitioned for by Solomon Maritz and refused him on account of its being the only outspan place for those who come to fish, &c., and may at a future period be required for a landing place

or other purposes for the Town of Uitenhage. I also conceive that the Land on the opposite banks of the mouth of Zwartkops together with the Salt Pan should also be retained for the use of this town and district, and not for the present at least granted by Government. With much respect &c.

(Signed) J. G. CUYLER.

Dr. Van der Kemp, Bethelsdorp.

[Enclosure 57 in the above.]

UITENHAGE, 14th July 1815.

SIR,—I have the honor herewith to forward to your office a letter I have received from Mr. Surveyor Knobel, with the diagram of the lands intended for the use of the Hottentot Establishment called Bethelsdorp, situated between Algoa Bay and this Drostdy. Mr. Knobel explains the measuring of the lands to be agreeably to His Excellency Sir John Cradock's orders. I am not as yet aware on what terms it may please Government to cede these lands to the Institution; His Excellency Sir J. F. Cradock, when here, was not fully resolved on what footing they should be granted. I have kept one copy of the diagram here, and have the honor to be &c.

(Signed) J. G. CUYLER.

The Colonial Secretary.

[Enclosure 58 in the above.]

UITENHAGE, 8th July 1815.

SIR,—I have the honor herewith to transmit to you the several diagrams relative to the Institution of Bethelsdorp, viz. 1st. Two copies of the plan formed on the request of Messrs. Read and Campbell of the whole extent of Government ground situated in the vicinity of Bethelsdorp, between the adjacent places and the mouth of the Zwartkops River, which plan was laid before His Excellency Sir J. F. Cradock when present here, and

2nd. Two copies of a diagram formed of the ground actually

admeasured to the Institution according to the directions received from His Excellency on the former plan, which were :

“ That the East Boundary Line of the place Leeuwenfontein should be produced beyond the little Zwartkops River, then to turn along the left bank of that river so as to take in the cultivated land to a point near the junction of the two Zwartkops Rivers, and there to be met by a line produced from the north-west corner of the place of Pohl & Co., reserving the extent of grazing between that place and the Zwartkops for further occasions.”

I have only to add that the long delay in the final admeasurement of the ground has been occasioned by that circumstance that in order to avoid unnecessary expence and loss of time I wished to defer it till the boundaries of the two adjoining places were actually fixed, which could not be done till lately.

I have &c.

(Signed) J. KNOBEL, Sworn Surveyor.

The Landdrost of Uitenhage.

[Enclosure 59 in the above.]

COLONIAL OFFICE, 3rd August 1815.

SIR,—In reply to your dispatch enclosing diagrams of the land measured for the Institution at Bethelsdorp, I am directed to acquaint you that His Excellency the Governor is satisfied they should for the present occupy the ground marked out, during the pleasure of His Majesty's Governor for the time being. I have &c.

(Signed) HENRY ALEXANDER.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 60 in the above.]

COLONIAL OFFICE, 11th August 1815.

SIR,—I am directed by His Excellency the Governor to state in reply to your letter of the 21st July last, that His Excellency has directed the Landdrost to permit you to

occupy provisionally the land which has been recently measured, according to the diagram which has arrived, without a valuation, in the same manner you have occupied Bethelsdorp, and authorises me to assure you, should circumstances ever lead to reassumption, all improvements and building with the expence of the survey shall be repaid, but difficulties still occur as to the mode of making out a title, and to whom, as well as in the general policy. His Excellency has no objection to the two missionaries you recommend with their waggons and necessary attendants proceeding on their intended mission.

I have &c.

(Signed) HENRY ALEXANDER.

Mr. J. Read, Bethelsdorp.

[Enclosure 61 in the above.]

*Extract from a Publication of GOVERNOR J. W. JANSSENS,
issued on the 20th February 1805.*

It is hereby further exempted and permitted to remain within the frontier limits the Institution of the Missionary Van der Kemp, which has been established at Bethelsdorp by lawful authority, subject however to the following specific conditions :—

A. That neither the Missionary Van der Kemp or his brother missionaries, or any person else belonging to the Bethelsdorp Institution, shall be permitted to cross the boundaries of the Colony, without the specific permission from the Governor General en chef, or the Landdrost of Uitenhage.

B. That in the Institution shall be admitted only wandering (Zwervende) Hottentots, or such other Hottentots as have left the Institution itself and entered in the service of the Inhabitants; but that no Hottentots shall be admitted at the Institution who are either still actually to serve with the Inhabitants or have served in the last past year.

A true Extract, translated from the Dutch.

(Signed) J. J. F. ROSELT, Sworn Translator.

[Enclosure 62 in the above.]

Order issued by SIR RUFANE DONKIN.

Mr. Gurney to have his 1,300 acres measured between the town of Port Elizabeth and the Zwartkops, that is beginning east of Papenkuils River, and to extend to within a considerable distance of the Zwartkops, the Bank of which must be reserved for erven.

Mr. Gurney to have two erven, over and above his part of land on the Zwartkops, each erf to be about two acres.

(Signed) R. S. D.

ALGOA BAY, *June 6th* 1820.

[Enclosure 63 in the above.]

I the undersigned do hereby certify that I am well acquainted with the fishing place at the Zwartkops River, and that I have continually caught fish there, ever since my infancy up to the present time, being a period of full 30 years, that I was born at the place of my father called Zwartkops River's Waggon-drift, at present belonging to Paul Maré Senior and W. L. von Buchenroder, and that I have regularly caught fish in the river yearly. The fishing place is named "Modderspruit," near the mouth of the river, at some distance below the land measured for Lieutenant Colonel Cuyler, which Modderspruit has always been considered to be the best fishing place and generally known by the name of the fishing place, being situated between the land and the sea. Drinkwater is also to be had there, also about 5 or 600 paces below the Modderspruit a hut of Mr. Maré is standing since these many years past. Where the greatest part of the wreck of the *Amsterdam* was conveyed to be sold, on the very same place the Dutch Brig the *Concorde* was also broken up. Mr. Korsten's ship also anchored in the river, and her boats went backwards and forwards to the spot Modderspruit. I am now 44 years of age.

Uitenhage, February 12th 1825.

(Signed) G. VAN ROOYEN.

[Enclosure 64 in the above.]

I the undersigned do hereby declare that I was born at the old place of my late father on which the Drostdy here was built afterwards, that from the time I got my memory I always and frequently went to catch fish, and never went to any other place but that called Modderspruit situated at the Zwartkops river's mouth, that that place was considered as the real fishing place, as well because the best quality fish is caught there, as also on account of the good water. That I remember very well always to have heard from all persons who went to catch fish that the Modderspruit is the only good fishing place. I am now 44 years old.

Uitenhage, February 14th 1825.

(Signed) J. J. SCHEEPERS.

[Enclosure 65 in the above.]

I the undersigned do hereby declare as an inhabitant of this District during the last 50 years, that when a boy I have often gone with my father on a fishing party, that he always went to the place called "Modderspruit," situated at the Zwartkops River's mouth, that I myself also found that place invariably to have been the best to catch fish, as well on account of the abundance and good quality of fish, as for the water found there. That almost all the people who were going to catch fish always went to that place, and that the only Seine which was to be had here at that time did belong to my father, was given to them to catch fish at that place, the only fresh water to be found there is between the Modderspruit and the sea. At the age of 10 years, I came with my father to the District of Uitenhage, and am now 60 years old. All that time I have resided in this District with the exception of five or six months when I was obliged to fly for the Caffres.

Uitenhage, February 14th 1825.

(Signed) G. S. SCHEEPERS.

[Enclosure 66 in the above.]

I the undersigned do hereby certify that I am married with the daughter of the proprietor of the old place on which the Drostdy here has been built, that I have for a period of upwards of 37 years as well before my marriage as afterwards frequently and often in company with my father and mother in law and other people been out on a fishing excursion, and invariably proceeded to the place Modderspruit, situated at the Zwartkops River's mouth; that the said Modderspruit has always been known to me to be the real fishing place, and also the real outspan place for all persons going to catch fish. This Modderspruit is situated some distance below the land of Colonel Cuyler.

Uitenhage, February 12th 1825.

(Signed) C. Kok.

[Enclosure 67 in the above.]

UITENHAGE, 18th February 1825.

MY LORD,—I have the honor in reference to my letter to your Excellency of yesterday's date in explanation of the accusations of His Majesty's Commissioners of Inquiry contained in their letter to your Lordship of the 3rd ultimo, herewith to reply in further explanation of His Majesty's Commissioners' letter of the 17th ultimo to your Excellency, covering the declaration of Mr. Paul Maré before the Court of Circuit at this place in 1820,

To state that Mr. Huntley took upon himself to hand Sir Rufane Donkin, then Acting Governor, and in my presence a paper of which the annexed is a copy, when upon my solicitation for an investigation Sir Rufane Donkin directed His Majesty's Fiscal to commence an investigation, and which was subsequently put into the hands of Mr. Lind the Deputy Fiscal to prosecute before the then next court of Circuit, at which a general list of evidences was handed in by Mr. Huntley without any specification as to which of the charges any of them was to be called up on, nor do I believe the evidences themselves knew such before they were called and sworn.

Mr. Maré's declaration is laid before your Excellency, and I am represented to have called no witness to disprove it. When your Lordship is informed that at the commencement of the trial the court suggested to me that they conceived my presence might perhaps be construed to intimidate some of the witnesses, some of whom were inhabitants of the district over which I was the Landdrost, on which account they thought I had better leave the Court, and on which suggestion I did leave the Court ; and as such has not been recorded on the Minutes of the Court, I beg most respectfully to refer your Lordship to the President of that Court Mr. Neethling for a corroboration of this assertion. Consequently I had no opportunity of questioning the evidences or calling in others to counteract such, which I hope will explain to your Excellency why none was called. Mr. Christian Kok, the Acting Landdrost, who inspected the lands, would have been a fit person to have called upon, to have counteracted some part of the evidence of Mr. Maré, as also Mr. Swan the surveyor, as well as some European sailors in the employ of Mr. Maré as boatmen or fishermen. Why Mr. Lind, who I left in Court to prosecute the case in my behalf, did not call any evidence to contradict the declaration of Mr. Maré I know not, nor do I recollect at present whether he ever spoke to me on the subject. Perhaps in the case then before him he did not deem it necessary. Which of the lands or places I held that the charge of Huntley alluded to, or who were the evidences he had summoned to support his accusation, was equally I believe unknown before the trial to Mr. Lind, as it was to myself. Mr. Lind had access to all my papers, and all I find he did on the evidence of Mr. Maré was to read the letter from the Colonial Office of the 16th April 1817 directing the lands to be measured for me as a reward for my services.

I have now the honor to annex herewith attests from these persons, to which I have the honor of requesting your Excellency's kind attention, and from which I trust your Lordship will be able to draw the conclusion how far the convenience of the public has been sacrificed by the grant it pleased your Excellency to make me, and how far I prevented Mr. Maré from obtaining a piece of land by false representations, and how far his evidence as stated in the 6th Article of his declara-

tion be correct, where exclusive of my grant "there was not any place for a boat to land" nor "ground for a fishery," when it will be shown that full three years before he erected a fishing hut (which is this day standing) at the best landing place in the river, not only in which contiguity beyond the limits of my grant he caught the best fish in the River, but from whence he also went into Algoa Bay to fish, and from whence a communication was held with vessels of burthen laying immediately opposite the hut in the river, and where a great portion of the wreck of the *Amsterdam* 90 gun ship, of which Mr. Maré was connected in the purchase, had been landed and afterwards sold.

As I trust your Excellency will be able to observe the difference of the statement made by C. Kok, G. van Rooyen, and the two Scheepers accompanying my letter to your Lordship of yesterday, from that made to His Majesty's Commissioners, as stated in their letter to your Lordship of the 3rd ultimo, which would imply that my grant comprehended the only part of the river where the inhabitants used to fish, and where the best species of fish were caught.

From His Majesty's Commissioners' letter of the 17th ultimo to your Excellency I draw a conclusion that they are impressed that "an understanding subsisted between me and Mr. Maré," that I am now wishing to satisfy him by recommending him to your Excellency for the Lands between him and Bethelsdorp in lieu of the tract I hold, which I am stated to have prevented him from obtaining. I solemnly, my Lord, protest against such an insinuation. I never was, I hope, influenced to such base acts; that I have had enemies and still have in persons who preceded and accompanied His Majesty's Commissioners of Inquiry to this place, and who still communicate with them, I am aware; on a patient examination of the entire case I trust your Lordship will exonerate my character from such malicious insinuations.

I think about the time your Lordship was expected up in this quarter in the beginning of 1817 Mr. Maré expressed a wish to ask for the lands below his place, when I think I told him I had once applied for that land, and intended to do so again, and that that part near the mouth of the river must be kept for a landing place. This is all I can charge my memory

with, that passed between me and Mr. Maré at that time, nor since that period has a word passed between us on the subject.

My letter to the Colonial Office of the 29th April 1821 reporting upon the Memorial of Mr. Kitchingman in behalf of the Hottentots for the land between Bethelsdorp and Mr. Maré's place was written and transmitted totally unknown to Mr. Maré, nor am I aware he ever knew I had received the communication from Government to which I then replied, not till I believe I called upon him for a statement as transmitted with my letter to the Colonial Office of the 19th August 1824 (copies annexed to my letter of yesterday), did he ever hear anything of this communication from me.

I shall now detail to your Excellency my applications and the circumstances relative to the tract of land below the place of Messrs. Buchenroder and Maré, formerly the widow Van Rooyen's, who married Christoffel Viljoen, on the Zwartkops River.

I have in the first place the honor to subjoin the copy of my Memorial to His Excellency Sir John Cradock, with a copy of the recommendation of Lieutenant Colonel Graham, then in the capacity of His Majesty's Commissioner, who it will appear was instructed to admeasure and value the lands I had memorialised for. Lieutenant Colonel Graham did me the favor to inspect this tract situated between the place then of Viljoen, now Von Buchenroder's and Maré's, and the sea, when he remarked that he feared there might be objections as to the extent. That on our way in returning to the Drostdy and passing the place Doornkraal which I had just then heard was for sale, I agreed with the owner Booysen and bought his right of loan lease, when I altered my request, substituting the place Doornkraal in lieu of the ground I had solicited between Viljoen's and the sea, as the annexed original letter from Colonel Graham will corroborate. Having failed in the expectations of obtaining the lands granted to me in freehold as also in the subsequent request supported by your Lordship to Earl Bathurst to alter the tenure therein, I again, during your Excellency's visit on the frontier in 1817, presented a Memorial of which the annexed is a copy, and to which I received the annexed very flattering letter conveying your Lordship's

acknowledgement of my services and granting the prayer of my Memorial.

It may perhaps be in your Lordship's recollection that during your stay at Uitenhage in 1817 the practicability of navigating the Zwartkops River was spoken of, and when a sketch of the river was formed by Mr. Knobel and laid before your Excellency. I have the honor of accompanying this with, I believe, that sketch. It was subsequent to this that I had the honor to memorial your Lordship for the lands on the River.

I have now, My Lord, laid before your Excellency a full and I believe correct detail of all and every circumstance connected with the tract of land which His Majesty's Commissioners accused me of obtaining to the manifest injury of the public and in preference (if I may draw the conclusion from their representation) to the institution of Bethelsdorp and other individuals, and which it pleased your Excellency to reward my services in granting to me.

I have, my Lord, had the honor of serving the Colonial Government of the Cape of Good Hope nineteen years in my civil situation, to the first eleven years was added that of Commandant of the Frontier. I was during that period placed in many trying situations, often at the hazard of my life, some of which may perhaps still be in the recollection of your Lordship, with no friend or competent person to advise with, at a distance of five hundred miles from the seat of Government.

I hope, my Lord, the explanation I have given will in your Lordship's opinion exonerate me from those base accusations of self interest (to satisfy such). The prerogative of the King delegated to your Excellency is stated to be misapplied by my representations. I cannot but observe the degree of malignancy with which I am persecuted in the observations made to your Excellency, an endeavour to deprive me of your Lordship's confidence and protection, and to render me unworthy of my present appointment, which would deprive me of the support of my family and above all my character. Relying on your Excellency's well-known impartial justice, I have &c.

(Signed) J. G. CUYLER.

His Excellency Lord Charles Somerset.

[Enclosure 68 in the above.]

To His Excellency Sir Rufane Shawe Donkin, K.C.B., Major General, Acting Governor, Commander in Chief, &c., &c.

The Memorial of Hugh Huntley humbly sheweth

That Memorialist had received a letter from the Deputy Colonial Secretary stating that the prayer of a former Memorial presented by him to your Excellency could not be complied with, and that the impropriety of Memorialist's conduct towards the Landdrost of Uitenhage was the main cause for your Excellency's refusing the same.

Memorialist cannot refrain from addressing your Excellency in reply to the latter part of the above answer.

Memorialist has never to his knowledge been guilty of conducting himself improperly towards the Landdrost of Uitenhage or any other Magistrate, and has always treated Lieutenant Colonel Cuyler with all the outward marks of respect due to him, and if he has not felt the respect he shewed it has been owing to his the Landdrost of Uitenhage's own conduct, for who can feel respect for that Magistrate who so far lets the violence of his temper overcome him as to horsewhip the inhabitants placed under his charge? Who can feel respect for that Magistrate who having a building erected at the public expense for his convenience, makes use of the people of the prison to drive his waggons and receive the hire hereof under the name of Leonard Brinkman, thereby plainly showing he was himself ashamed of the action he committed? Who can feel respect for that Magistrate who when a farmer had sold a load of corn to another inhabitant for fifty rixdollars, orders him to sell it to himself for forty? Who can feel respect for that Magistrate who when a farmer wishes to apply for a piece of ground tells him it shall never be given out to anybody, and afterwards applies for and obtains it for himself? Who can feel respect for that Magistrate who has the inhumanity to tell two of the Inhabitants of this District that he will send them to Cafferland and take care they shall come out as naked as his finger?

Yet all this much and more, exclusive of the treatment of himself already stated by Memorialist to your Excellency, does

he pledge himself to prove that Colonel Cuyler has been guilty of.

Memorialist cannot conceive but the same person who has been guilty of these actions has falsely traduced him to your Excellency, and fully trusts to your Excellency's justice for a full investigation on both sides.

Memorialist begs once more to state to your Excellency that he has the utmost respect for all Government functionaries, and nothing but the injury Colonel Cuyler has endeavoured to do his character would have occasioned the above statement.

Uitenhage, July 7th 1820.

And underneath which the following remark was made by the Acting Governor.

This date July 7th must be an error, for his Memorial was presented to me in the Landdrost's house at Uitenhage some time between 3rd and 8th of June 1820, when I was there, and I left Uitenhage on the 8th of June. I am pretty certain that this Memorial was delivered to me on the 7th of June by Memorialist.

Government House, Cape Town, August 2nd 1820.

(Signed) R. S. DONKIN.

A true copy from that deposited in the papers of the Trial by His Majesty's Fiscal versus Hugh Huntley for a libel in September 1820.

(Signed) J. J. ROSELT.

[Enclosure 69 in the above.]

I the undersigned do hereby declare perfectly well to recollect that in the year 1817 I proceeded on a commission as Acting Landdrost for the purpose of causing a piece of land to be measured for Colonel Cuyler, that I rode in his company to the place of Mr. Paul Maré, who was also requested to accompany us, that we all together rode to the spot accompanied by the Surveyor Swan, to whom then directions were given to proceed upon the Survey, and I do not hesitate further to declare that on this very occasion the letter of Government authorising that Survey was read to all the persons present as also to

some of the Hottentots of the School who were sent to point out the Landmarks of the lands belonging to Bethelsdorp, because the reading thereof on the spot has always been customary and is still now observed. That the Surveyor was instructed to extend the survey as far as the Ferreira's Spruit, but that on his finding he could not get the full extent of 4,000 morgen, he has been obliged to effect the survey about 200 paces lower down that Spruit, that on the occasion that the letter was read I did not hear Mr. Maré say a single word, and I did not at that time know anything of his having applied for that land.

Uitenhage, February 12th 1825.

(Signed) C. Kok.

[Enclosure 70 in the above.]

UITENHAGE, 18th February 1825.

I hereby certify that in the month of May 1817 I was directed to accompany a Commission consisting of the Heemraad C. Kok as Acting Landdrost and the then Heemraad Paul Maré, senior, for the purpose of inspecting lands for Lieutenant Colonel Cuyler near the mouth of the Zwartkops River, when a letter was read on the spot from the Colonial Secretary intimating His Excellency the Governor's intention of granting to Colonel Cuyler a tract of 4,000 morgen of land in that situation as a reward for his services.

This letter was also explained (as is customary on such occasions) to some of the people from the Bethelsdorp Institution who were in attendance there, to point out their landmarks. Owing to the want of landmarks at the boundaries of those lands the Commission could not determine how far down the river 4,000 morgen would extend, and Colonel Cuyler requested to obtain it to Ferreira's Spruit if practicable, but during the survey I found that the Bethelsdorp Boundaries stretched so near to the River as much to diminish the supposed breadth of this tract. I was therefore, in order to obtain the directed extent, obliged to join this ground to those occupied by the Bethelsdorp Institution and the farm Cradock's Town, and also to carry it beyond the Ferreira's spruit mentioned.

I was not aware at that time that Mr. P. Maré had applied
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for this tract of land, nor did he make any objections to the proceedings when the Commission was done upon it.

(Signed) JAMES SWAN, Sworn Surveyor.

N.B. I further certify that the Fishing places known by the names of the Modderspruit and Kabeljauwsgat are below the boundary line of Colonel Cuyler's grant. J. S.

[Enclosure 71 in the above.]

Appeared before the undersigned Acting Landdrost of Uitenhage, George Smith, (at present one of the Government Boatmen at Port Elizabeth and residing at that place) who declared on the Holy Evangelists that he was in the employ of Mr. Maré from the year 1816 to 1818, during which time and to the best of his recollection in the year 1817 he assisted in erecting a hut on the west bank of the Zwartkops River towards Cradock's Town, some distance below what is called the Modderspruit, between it and the coast, to which place there was a waggon road from the bay or now called Port Elizabeth, as also a waggon road from the place of Mr. Korsten called Cradock's Town.

That there were also in Mr. Maré's employment Stephen Jefferson, Joseph Lilley, and others, that we were employed at fishing in the river and also went out of the river into the bay to fish, that we most generally caught the best fish in the river at the Modderspruit.

That the water was fetched between two sandhills close on the coast at some distance from the hut.

Uitenhage, February 16th 1825.

(Signed) GEORGE SMITH.

Sworn before me.

(Signed) P. HEUGH.

[Enclosure 72 in the above.]

Appeared before me the undersigned Acting Landdrost of Uitenhage, Stephen Jefferson, (at present one of the Government Boatmen at Port Elizabeth) and residing at that place,

who declares on the Holy Evangelists that he was in the employ of Mr. Maré from the year 1817 to 1819, during which time, and to the best of his recollection in the year 1817, he assisted in erecting a hut on the west bank of the Zwartkops River towards Cradock's Town, some distance below what is called the Modder Spruit, between it and the coast, to which place there was a waggon road from the bay or now called Port Elizabeth, as also a waggon road from the place of Mr. Korsten called Cradock's Town.

That there were also in Mr. Maré's employment, George Smith, Joseph Lilly, and others, that we were employed at fishing in the river and also went out of the river into the bay to fish, that we most generally caught the best fish in the river at the Modderspruit, and sometimes at the Kabeljauwsgat.

That the place where Mr. Maré's hut stood, the greatest part of the wreck to say timber and iron of the *Amsterdam* Dutch 90 gun ship was brought to, and there sold at public sale, that while in the employ of Mr. Maré and living at this hut the *Concorde* Dutch brig was brought at that place for the purpose of being broken up, and that while Mr. Korsten's schooner the *Uitenhage Packet* laid in the Zwartkops River we used to ply backwards and forwards from the hut.

That the water was fetched between two sandhills close on the sea coast at some distance from the hut.

Uitenhage, February 16th 1825.

(Signed) STEPHEN JEFFERSON.

Sworn before me.

(Signed) P. HEUGH.

[Enclosure 73 in the above.]

Appeared before me the undersigned Acting Landdrost of Uitenhage, Joseph Lilly, (a discharged soldier from the late garrison company) now residing near Port Elizabeth, who declares on the Holy Evangelists that to the best of his recollection he was in the employ of Mr. P. Maré for about 3 years, during which time he assisted in erecting a hut on the west bank of the Zwartkops river towards Cradock's Town, some

distance below what is called the Modder Spruit, between it and the coast, to which place there was a waggon road from the Bay or now called Port Elizabeth, as also a waggon road from the place of Mr. Korsten called Cradock's Town.

That there were also in Mr. Maré's employment Stephen Jefferson, George Smith, and others, that we were employed at fishing in the river, and also went out of the river into the bay to fish, that we most generally caught the best fish in the river at the Modderspruit.

That the place where Mr. Maré's hut stood the greatest part of the wreck to say timber and iron of the *Amsterdam* a Dutch 90 gun ship was brought to, and there sold at public sale, that while in the employ of Mr. Maré and living at this hut the *Concorde* Dutch Brig was brought at that place for the purpose of being broken up, and that while Mr. Korsten's schooner the *Uitenhage Packet* laid in the Zwartkops River, we used to ply backwards and forwards from the hut.

That the water was fetched between the sand hills close on the sea coast at some distance from the hut.

Uitenhage, February 16th 1825.

Mark X of JOSEPH LILLY.

Sworn before me.

(Signed) P. HEUGH.

[Enclosure 74 in the above.]

UITENHAGE, 31st March 1812.

SIR,—I have the honor to transmit herewith for His Excellency the Governor's consideration the memorial of Major Cuyler, whose unremitting exertions in the faithful discharge of a most arduous and perplexing duty during the whole period of his holding his present situation induces me to hope that His Excellency may be pleased to grant his request, particularly as I am not aware of its being inconsistent with the views of the Government in this quarter.

I have &c.

(Signed) JOHN GRAHAM, Lieutenant Colonel.

H. Alexander, Esqre., Colonial Secretary.

[Enclosure 75 in the above.]

To His Excellency Lieutenant General Sir John Francis Cradock, Governor and Commander in Chief, &c., &c.

The Memorial of Major Jacob Glen Cuyler of the Cape Regiment and Landdrost of Uitenhage most humbly sheweth

That your Memorialist has now been employed in his military and civil capacity in this remote part of the Colony for upwards of six years. How far his exertions have been of use to Government he does not presume to say, but trusts from the manner in which his conduct has always been noticed by the gentlemen who were in the administration of the government before, that his services have not been unavailing or useless to his country.

Your Memorialist having remained here so long has in all probability excluded him from promotion or other advancement in his military profession, and which from his present time of life he cannot now expect to recall. Having married in the Colony, and an encreasing young family, he should wish if possible to make some provision for them.

Your Memorialist therefore most earnestly solicits Your Excellency's gracious bounty in granting to him in property a place in the District of Zwartkops River called Brakfontein, which he has had in use as a cattle place for some years, as also the vacant ground situated between the place of Christoffel Viljoen and the sea, and the place of Thomas Ferreira at the mouth of the Zwartkops River.

And your Memorialist as in duty bound shall ever pray.

UITENHAGE, 31st March 1812.

[Enclosure 76 in the above.]

UITENHAGE, 7th June 1812.

SIR,—In reply to your application to me to have granted to you in property the loan place called the Doorn Kraal (situated on the Zwartkops River near the Drostdy, and the Ospstal of which you have lately purchased from the present occupant), in lieu of the ground solicited in your Memorial laying near the mouth of Zwartkops River, I have the honor to inform you, that in answer to your Memorial transmitted

by me to His Excellency the Governor, I have it in command from His Excellency to have the lands therein specified admeasured and valued, evidently with a view of acceding to your request, on condition that said lands shall be subject to such recognition to Government as shall hereafter be determined on. In consequence of it being out of my power to comply with His Excellency's desire to have the lands admeasured and valued, it is impossible for me to state the extent that will be ceded to you in property, nor the terms upon which the interests of the Crown require it shall be held, but from a conviction that His Excellency will not object to the Doornkraal being granted to you in perpetuity, in lieu of the ground laying near the mouth of the river, as stated in the Memorial, nor to your obtaining a similar grant of the Cattle Place also therein mentioned, I hereby authorise you to consider the two Loan farms in question as granted to you in property, subject to such recognition to the Crown as shall hereafter be determined on, as also to such diminution in extent, as His Excellency may think proper to direct.

I have &c.

(Signed) JOHN GRAHAM, Lieutenant Colonel.

To Major Cuyler.

[Enclosure 77 in the above.]

COLONIAL OFFICE, 16th April 1817.

SIR,—Having laid before His Excellency the Governor your Memorial praying for the grant of the tract of land situated on the Zwartkops River between the place of the widow Van Rooyen and the sea, I am directed by His Excellency to acquaint you that taking into consideration the length of your service in the arduous situation as Landdrost of the Uitenhage District and in the Military Command also at a peculiarly eventful period, he is anxious to express his sense of the merits of those services, and therefore consents to your having measured four thousand morgen of the ground in question. Upon your transmitting to this office the necessary diagram, a lease on perpetual quit rent will be prepared in

your favour at the Peppercorn rent of fifty rixdollars per annum. I have &c.

(Signed) C. BIRD.

Lieutenant Colonel Cuyler,
Landdrost of Uitenhage.

[Enclosure 78 in the above.]

To His Excellency the Right Honorable General Lord Charles Henry Somerset, Governor and Commander in Chief of the Colony of the Cape of Good Hope, &c., &c., &c.

The Memorial of Brevet Lieutenant Colonel Jacob Glen Cuyler, on the half pay of the Cape Regiment, and Landdrost of Uitenhage, most humbly sheweth

That after the termination of the Caffer Commando your Excellency's Memorialist petitioned His Excellency Sir F. Cradock to grant him in freehold a certain tract of government land on the Zwartkops River, situated between the place of the widow Van Rooyen and the sea, which Memorial was referred by Government to Colonel Graham, then Commissioner in the interior Districts, for report. Colonel Graham conceived the lands pointed out to him might be considered as rather extravagant in their extent, on which Memorialist on returning home on the day of the inspection purchased the loan place called Doornkraal for the sum of 3,000 rixdollars, and cancelled his former Memorial to Government by praying to have the extent of said Loan Lands ceded to him in freehold, which was strongly recommended by the Commissioner Graham. Said Loan Lands have since been granted to Memorialist on the amended title of Perpetual Quitrent, on the same terms as they would have been to any other Individual.

Your Excellency's Memorialist having been eleven years employed on this frontier, in the discharge of a most arduous duty, having a family and no means of providing for them, most humbly prays, should his conduct have met your Lordship's approbation, that it may graciously please your Excellency to grant unto him the said tract of land or such a portion thereof and on such conditions as to your Excellency may seem meet. And Memorialist as in duty bound shall ever pray.

SOMERSET, 28th March 1817.

[Enclosure 79 in the above.]

Extract of a letter from Henry Alexander, Esqre., Colonial Secretary, to Lieutenant Colonel Graham, dated 23rd May 1812.

His Excellency particularly authorises you to have the Lands applied for by Major Cuyler surveyed and valued ; but in this, as in all other instances, he relies upon as much Rent for the Crown being obtained as is reasonably expected.

[Enclosure 80 in the above.]

Mr. Kitchingman's Examination, 25th December 1823.

Have the Hottentots of the Institution of Bethelsdorp ever been called upon to perform road duty on other roads in the Veld Country than that which leads from Bethelsdorp to Algoa Bay ?

Reply. I believe they have, and on my reference to my books I could give proof of it ; they were ordered to work upon the road leading from Port Elizabeth to Sunday River, and from Mr. Muller's residence near Uitenhage the under road to the Bay.

Were the numbers ordered on such occasions regulated by any principle that you are aware of ?

Reply. The orders seldom stated the numbers required, only sufficient men to effect such and such repairs on the road.

Is there any other species of work to which the Hottentots are equally commanded to contribute ?

Reply. Public works of the district.

Of what nature are those ?

Reply. I am not aware of the distinction between these and the works done in the village.

What have you found to be the nature of those done in the village and termed by the Landdrost Public Works ?

Reply. The clearing of the water courses in the Erven of the different inhabitants of the town, assisting in repairing the bridges and public buildings. They also consist of the labour performed in the Landdrost's garden, and there have

been instances of their working in the outhouses. I saw myself four of the Hottentots commanded for public service at work in the vineyard of the Landdrost.

What were the names of the Hottentots whom you saw so employed, and at what time did it take place ?

Reply. Their names are Boye Platjes, Lewis Swartbooy, Annerd Prins, Gert Keyser. I think it happened two years ago last November.

Did you ever know that Hottentots when commanded have been employed by the Landdrost on his farm at Doornkraal ?

Reply. I know it from some of the Hottentots of the Institution who have been so employed.

Can you mention their names ?

Reply. I can mention some of them, David Stuurman, Hans Cupido, Stoffel Spirviet, Jan Michels, Adam Klaas.

Did these men belong to the Institution at the time ?

Reply. They did.

Had they families ?

Reply. I do not know.

Do you know whether they received any extra pay ?

Reply. They stated to me that they received no other pay than the two skillings per day.

What was the work they said they had performed at the Landdrost's ?

Reply. Reaping his corn.

Are these men at the Institution now ?

Reply. They belong to the Institution, and some reside there now. David Stuurman told me about a fortnight ago that he had been sent for by Colonel Cuyler privately, and not being accustomed to go without a pass, he came to me, and I soon after received a letter from the Landdrost, requesting me to send Stuurman and another man named Thomas Armoed to him, which I did. Stuurman being near at hand was sent first, and on returning to the Institution he related to me that the Landdrost had first asked him whether Mr. Huntley or Mr. Stœdel had been to Bethelsdorp to take depositions from the Hottentots. Stuurman said no, that he had never seen them there. The Landdrost then asked him whether it was true that he had ever worked for him at Doornkraal when on commando ? To this Stuurman replied that

he had. The Colonel said then you received payment for it, did you not? Stuurman said that he did not know whose work it was, Government's or Colonel Cuyler's, but that he had received the usual pay, the two skillings per day and rations. The Colonel became rather angry at this, and pressed Stuurman to say whether Mr. Huntley and Mr. Stœdel had been to obtain information at Bethelsdorp, and asked him to what person he had mentioned the fact of having worked for him at Doornkraal. Stuurman said that he had mentioned it to Mr. Kitchingman. The Colonel asked for what purpose I had enquired, and Stuurman replied that he did not know. He then again enquired whether Mr. Huntley or Mr. Stœdel had been at Bethelsdorp, and said what would he think if he could bring people who could prove that they had been there. Stuurman said he should like to see who such people were, as he was quite sure that neither Mr. Huntley nor Mr. Stœdel had been at Bethelsdorp. The conversation here ended between them and Stuurman was dismissed.

Thomas Armoed also went, and being asked by the Landdrost whether Mr. Stœdel had made inquiries at Bethelsdorp, he said that Mr. Stœdel had made inquiries of him not at Bethelsdorp, but at Uitenhage. The Colonel then asked what those inquiries were, and the man related to him his having been employed at Doornkraal when he had come to Uitenhage to complain of his master. I don't know what the Colonel replied, but he at last gave Armoed the sum of six rixdollars for the work, which Armoed told him he did not consider a sufficient remuneration for his work.

[Enclosure 81 in the above,]

Examination of George Daniel Kock.

17th January 1824.

Had you the contract for the supply of meat and rations to the troops and armed inhabitants of this District assembled in commando in the year 1819?

Reply. Yes, I had.

From what time did it commence, and at what time did it end?



Reply. I cannot say exactly, I had the contract for two years following.

Had you the contract from January to June 1819 ?

Reply. I had it till June of that year.

From whom did the orders come to supply rations to the troops or armed Hottentots ?

Reply. Orders for the supply of the troops were given by the Sergeant, for the armed inhabitants by the fieldcornets on duty, but I have forgotten from whom the orders came for the supply of the armed Hottentots.

Would you have supplied them without an order from somebody ?

Reply. Certainly not.

Were the rations supplied to the Hottentots through the gaol or to those who were on commando duty issued to the same or to different persons ?

Reply. The armed Hottentots from Bethelsdorp and others received their rations separately.

By whom were the rations that were issued to the armed Hottentots paid for ?

Reply. By the Commissary who is still at Graham's Town. Is his name Johnston ?

Reply. I think it is.

Were the names of the armed Hottentots who received rations ever put down by you in a book ?

Reply. My clerk G. Smith put down the numbers but not the names.

How often were you paid for these rations ?

Reply. Every month on the 24th.

Do you recollect having issued rations to a party of armed Hottentots stationed at Doornkraal ?

Reply. They came from different posts, and I did not ask them where they came from.

Did you ever know that a party that came for rations came from Doornkraal ?

Reply. I once asked a party from whence they came, and they said from the Landdrost's place at Doornkraal, where they worked a little.

Do you recollect the names of those persons ?

Reply. No, I do not.

How often in the week were those rations issued ?

Reply. Sometimes five, sometimes six times in the week.

Did the Hottentots always come themselves for the rations ?

Reply. Two generally came, one to fetch the bread, and one to fetch the meat.

Did you note in your Return to the Commissary the number of those men that were stationed at Doornkraal ?

Reply. No, I did not, they were all included in one General Return.

Do you recollect for how many men the rations sent to Doornkraal were issued ?

Reply. To the best of my recollection there were eight or ten men.

Was this during the time when the country was threatened by the Caffres ?

Reply. Yes, I was myself compelled to go and mount guard in the night time at the Flag Staff, although I was performing the duties of contractor. It is usual to exempt contractors from commando duty, and although that exemption was not stipulated in mine I applied to the Landdrost to be exempted, but he said he could not allow me to be exempted, but if I wished it I might find a substitute.

(Signed) G. D. Kock.

Second Examination of G. D. Kock.

In your last examination you were asked whether the rations issued to the armed Hottentots at Doornkraal were included in the general terms, do you still adhere to that declaration?

Reply. I do.

Do you remember to have received payment for those rations from Lieutenant Colonel Cuyler, or if not from whom else did you receive it ?

Reply. I sent the returns to Graham's Town and received payment from the Commissary. I never received payment for the rations from Lieutenant Colonel Cuyler.

Do you recollect ever to have signed a receipt acknowledging to have received the sum of three hundred and ten Rixdollars five skillings and one stiver from Lieutenant Colonel Cuyler for rations issued and supplied to Hottentots at Doornkraal

and to the tenor and effect of the paper now read to you ? (Colonel Cuyler's receipt being produced to the witness.)

Reply. I cannot now at this distance of time recollect whether I signed such a paper, but I never received any money from the Landdrost Lieutenant Colonel Cuyler.

Copy of G. D. Kock's Receipt.

Ontvangen van den Wel Edele Heer J. G. Cuyler de somma van drie honderd en tien Rijksdaalders vijf schellingen en een stiver voor 1147 Rantsoenen aan Hottentotten op Zyn Ed. Plaats Doornkraal.

Uitenhage 3den July 1819.

(Geteekend) G. D. Kock.

Translation of the above Receipt.

Received of J. G. Cuyler, Esqre., the sum of three hundred and ten rixdollars five skillings and one stiver for 1147 rations issued to Hottentots at his place Doornkraal.

Uitenhage, 3rd July 1819.

(Signed) G. D. Kock.

G. D. Kock having examined the original receipt produced by the Landdrost Lieutenant Colonel Cuyler for Rds. 310 5 1 and dated Uitenhage, 3rd July 1819, acknowledges that the signature is his own, but adheres to his statement that he has no recollection of having signed it, although he is now convinced that he did so. He had various transactions with the Landdrost about that time. He has no recollection of having received that sum, but he cannot assert that he did not receive it.

He always received payment for rations supplied on account of the public at Graham's Town from the Commissariat Officer. It was paid there to his agent.

He has no recollection of ever having made any deduction in his account with the Commissariat for 1147 rations supplied to Colonel Cuyler's people at Doornkraal. He was very little at home and had a great deal to do, but on the 24th of every

month he gave in Returns to the Commissary, and he does not remember anything further about it.

30th January 1824.

(Signed) G. D. Kock.

[Enclosure 82 in the above.]

Examination of Christiaan Michiel Luyt.

3rd January 1824.

Did you supply rations to the gaol or to persons employed on the public works at Uitenhage in the year 1819, and for what length of time ?

Reply. I had the contract for that supply for several years, and I had it from the year 1817 to 1822 with the exception of the year beginning 24 June 1818 to the 24th June 1819.

What accounts did you keep of the rations that you issued ?

Reply. The only account that I kept was in the book that I now exhibit shewing the number of rations issued on each day, but not the names.

What vouchers did you keep or did you produce when you received payment ?

Reply. Every 24th of the month I made a return of the number of rations I had issued, which the Landdrost signed, and I received payment from the Commissary at Graham's Town. In presenting my return I produced as vouchers the orders of Colonel Cuyler for the rations.

You were contractor for the supply of the tronk also ?

Reply. Yes, I was.

What vouchers were you required to exhibit for your supply of rations to the gaol ?

Reply. No vouchers, except that the Undersheriff sent his book with the constable shewing how many rations were ordered for the Hottentots and prisoners, constables and Caffers, &c. I made my bill out every quarter and gave it to the Sheriff, and it was paid me out of the District chest.

Did the orders state for what parties, and where stationed, the rations were to be delivered ?

Reply. Except in one instance they did not. In the year 1819 I find that from the 25th June to the 24th July, and from

thence to the 24th November of the same year there were descriptions given.

Did you keep a delivery book shewing to whom the rations were delivered ?

Reply. I did not.

Did any of the heads of the different parties receiving rations sign for the rest, or receive rations for them ?

Reply. There were four waggons and sometimes less that came to receive the rations, but no individuals who came to receive the rations signed any receipts. They only produced an order from the Colonel, which was written by one Lingerbagh.

Who was it that received rations for the Hottentots in Uitenhage ?

Reply. O'Donnell, and sometimes the constables.

Do you recollect ever receiving an order to issue rations to a party of Hottentots stationed at Doornkraal ?

Reply. I cannot recollect that.

Where was your store from whence the rations were delivered ?

Reply. In my own house and in a store near the present school and between it and the tronk.

Was there any other place from whence the rations were delivered ?

Reply. Not to the people that were commanded. The rations issued for the use of the tronk were sent from the house that I at present inhabit in Cuyler Street.

Do you recollect the persons of any of those who received rations in the year 1819 ?

Reply. Yes, I do some of them.

Was the constable Doste one of these persons ?

Reply. Yes, he was.

Do you recollect a Hottentot of the name of Britannia ?

Reply. I do.

Do you recollect that he ever received rations from you ?

Reply. Not always himself, but I know his name, and I saw him sometimes at the store receiving rations. Britannia used to come to the store to assist me, and therefore I knew him.

Did Colonel Cuyler never receive any rations for himself at any time ?

Reply. He was once in the habit of drawing rations in cattle and flour from me, and on reference to my account I find that it was in the year 1817 or 1818. He informed me himself of the period when he ceased to have the right to draw them.

(Signed) C. M. LUYT.

[Enclosure 83 in the above.]

Examination of Piet Lustig.

6th January 1824.

You were a Caffer constable for some time ?

Reply. I was.

During that time did you superintend Hottentots working in the town ?

Reply. Not those working in the town, but at the Landdrost's place at Doornkraal and at the Drostdy.

Have you often superintended those parties that worked at Doornkraal ?

Reply. Sometimes I have superintended those at Doornkraal.

In what works were they employed ?

Reply. Once in cutting wheat, once in repairing the watercourse, and once in repairing the dam.

From whence did the Hottentots that were so employed come ?

Reply. They were Hottentots from Bethelsdorp, and were commanded to work for the District.

What work had they done for the District ?

Reply. They had been employed in building the house between the public offices and the Drostdy and the house behind the Drostdy.

Do you know how many there were ?

Reply. There were twelve, but they did not always work together.

Where did they obtain their rations on those occasions ?

Reply. When they were cutting wheat at Doornkraal they received their rations at that place, but when they were repairing the watercourse and dam they received their rations

from the tronk. I had also two of those people to the wood, and they received their rations from the tronk.

When they received rations at Doornkraal, how do you know that they were rations supplied by Colonel Cuyler?

Reply. Because the rations were cooked in the kitchen, and issued to us from thence.

How do you know that these rations that were cooked at Doornkraal did not come from Uitenhage?

Reply. I cannot say whether they did or did not. The provisions that the Hottentots received at Doornkraal when on commando were sent from town.

Was there any other constable who superintended the Hottentots with you?

Reply. Bernard Dostin.

In what work?

Reply. In cutting the wheat.

How many days were you employed?

Reply. I cannot say.

How long were you employed on the watercourse and dam?

Reply. Four days, and four days more in going to the wood.

Have you ever been employed on other occasions than this in going to the wood for Colonel Cuyler?

Reply. On several other occasions, very often, but I was employed with other persons.

Who were those persons?

Reply. Some of the commando people, Hottentots.

Can you tell their names?

Reply. One Matroos from Bethelsdorp, Africa, Hans Dangmeester, Isaac. There were many others whom I do not recollect. Adam Ketteldass also from Bethelsdorp.

Was this during the time in which the people were serving in the town on commando duty?

Reply. It was.

Upon other occasions than these have you been employed by Colonel Cuyler to go to the forests to cut wood or do other duty?

Reply. Frequently to cut wood, and frequently in ploughing, sowing, and waggon driving at Doornkraal. I have also frequently driven the waggon to fetch stones for the buildings behind the Landdrost's house.

Were you Caffer constable during this time ?

Reply. Yes, I was.

From whence did you obtain your rations ?

Reply. From the Landdrost I received money in lieu of rations.

From whom did you receive the money ?

Reply. From the sheriff O'Donnell.

Are you sure that it was money in lieu of rations, or was it your monthly pay ?

Reply. I was told that one part of the money I received was pay, and the other part was rations.

Have you ever received any pay from the Landdrost, and at what times ?

Reply. Yes, I received 10 rixdollars when the English Boers came (March 1820), and within a few days ten dollars more, and about a year afterwards I received 30 dollars from the hands of O'Donnell, but I was informed that it was on account of the Landdrost.

Were you ever called upon to appear before the Court in Uitenhage ?

Reply. I remember when the Court of Circuit was here I was called upon as a witness.

Was it after that time that you received the sum of 30 rixdollars from the Landdrost ?

Reply. It was long after that time. I also received after that 20 rixdollars from Jan Lange on account of the Landdrost.

When you were employed as constable at the tronk where did you get your rations ?

Reply. I got them at the tronk.

You have said that you were much employed in cutting wood for the Landdrost. Where did you take that wood to ?

Reply. To Doornkraal.

For what purpose ?

Reply. Sometimes it was waggon maker's wood, spars, hoks, and wood to make kraals.

Did you see it applied to those purposes and used at Doornkraal ?

Reply. Yes, I myself have been employed in working it up at Doornkraal.

Can you say how often you were employed in taking waggons to the wood for Colonel Cuyler ?

Reply. It was very often, tho' I cannot say how often.

When you went to the woods to procure wood for Colonel Cuyler, did you receive or take with you a wood ticket ?

Reply. I never did.

To what wood was it that you generally went ?

Reply. Generally to Van Staden's River, and a few times I went to the forest near J. Kock's place.

Did anybody ever ask you for a wood ticket ?

Reply. Never.

[Enclosure 84 in the above.]

Examination of Bernard Dosten.

25th December 1823.

How long did you act as constable at Uitenhage ?

Reply. Very nearly seven years.

What had you been previous to that ?

Reply. I had been a soldier.

What were your duties generally as constable ?

Reply. I attended to the Landdrost's business, to his vineyard near the Drostdy house with the convicts, and took my turn in superintending them with the other constables.

Where were the convicts generally employed ?

Reply. In repairing the streets, in working in the Landdrost's Drostdy garden, and in cleaning the tronk and the market place.

Did they work in chains ?

Reply. They did.

Had you the power of punishing them if they misconducted themselves ?

Reply. No, I had not, I reported to the under sheriff, and he reported again to the Landdrost.

Were you ever employed, and when, by the Landdrost Cuyler at Doornkraal ?

Reply. I was, in harvest time, about four years ago.

Upon what occasion were you employed ?

Reply. The Landdrost applied to me and asked if I would go to Doornkraal and superintend the work of the different

labourers. It was then harvest time. I went accordingly, and remained there about sixteen days, looking after the work.

Who were the labourers then employed at Doornkraal ?

Reply. There were some slaves, some Hottentots, and two Caffer boys.

Do you know or can you recollect the names of the Hottentots who were employed on this occasion under you at Doornkraal ?

Reply. I do not.

How many Hottentots were there ?

Reply. I think about nine including Caffers.

Should you know the names of these Hottentots if you were to hear them ?

Reply. No, I should not know their names, but I should recollect their persons if I were to see them.

Do you think that Shepherd Wildeman was one of the Hottentots ?

Reply. No, he was not, at least when I was there. I have seen him employed in the work of government done to the buildings in the town.

Was Hans Cubits one of the Hottentots that worked at Doornkraal ?

Reply. I do not recollect.

Was Stoffel Springveld one ?

Reply. I do not recollect.

Was it frequent that the Landdrost employed the Hottentots required on the public service, at his own estate at Doornkraal ?

Reply. Not that I remember except on the occasion of which I have spoken.

Do you recollect occasions on which the other constables in their turn of duty superintended parties of Hottentots working at Doornkraal ?

Reply. I cannot say that I recollect their superintending labourers at Doornkraal. I saw them superintending Hottentots employed in the public streets.

Were you constable here during the commando of 1819 ?

Reply. Yes, I was.

Do you recollect whereabouts in the village the Hottentots commanded from the Institution of Bethelsdorp were placed on that occasion ?

Reply. A little behind the Drostdy and between it and the tronk ; a good many were also allowed to sleep in the tronk.

Do you recollect that at that period any of the Hottentots were sent to work at Doornkraal ?

Reply. I remember that about 18 of these men were ordered and sent to Doornkraal to clear some bushes from a piece of land.

How long did they remain there ?

Reply. I think about four or five days.

How far is Doornkraal from Uitenhage ?

Reply. About one hour, I mean in walking.

How many Hottentots remained at Uitenhage for duty when the others were employed at Doornkraal ?

Reply. I think about sixty.

Do you know whether the Hottentots employed at Doornkraal received pay for their work ?

Reply. I think they received the government daily ration, consisting of a pound of bread and a pound and a half of meat per day, but I don't know whether they received any pay.

What remuneration did you receive yourself from Colonel Cuyler for superintending the Hottentots employed at Doornkraal ?

Reply. A muid of flour and about eleven pounds of butter.

When the Hottentots were working at Doornkraal under your superintendence, what rations and pay did they receive ?

Reply. I believe that they received at the rate of 6 dollars per month as government pay and their rations.

Did they to your knowledge receive any extra pay in consideration of the work that they did for Colonel Cuyler ?

Reply. To my knowledge they received nothing more than the pay of government and the government rations.

Did they ever complain to you of not receiving extra pay ?

Reply. They did not.

Do you recollect whether the government public works were suspended at Uitenhage so as to allow the Hottentots to repair to Doornkraal without inconvenience to the public service ?

Reply. No, for people remained here to carry on the public works in the village, and two or three returned with me from Doornkraal and took their turn in the public works afterwards.

Were the people whom you superintended at Doornkraal from the school at Bethelsdorp, and do you know whether they had been commanded on any public service ?

Reply. To the best of my knowledge they were not. They were people who had come to the village on complaints against their masters, and were under the necessity of remaining in the village until their complaints could be heard.

Do you know whether these persons received their rations from the tronk, or whether they were supplied to them by Colonel Cuyler ?

Reply. They were supplied from the tronk and sent to them every day.

Do you recollect whether the Hottentots that had worked under you at Doornkraal were afterwards employed under the constable Brinkman to cut corn or barley in one of the fields in front of the Drostdy ?

Reply. Some of them were, and some of them were not.

Have you or the other constables been employed or ordered by the Landdrost to go through the grazing grounds and to bring any cattle found trespassing to the pound ?

Reply. I have not. Perhaps the Caffer constables may, but I do not recollect an instance of it.

Do you recollect Gasper and some other convicts at the same time in the tronk, on a charge of conspiracy ?

Reply. Yes, I do.

Were they sentenced to death ?

Reply. They were.

Where were they confined until the last sentence was executed ?

Reply. They were confined in separate cells.

Did any of them die before execution ?

Reply. Two died, Gasper and Arnoldus.

What were they supposed to die of ?

Reply. I believe that they had been accustomed to smoke dacha or wild hemp before they were confined. I believe that being deprived of that their health was impaired, and they died of consumption. They spit blood and coughed violently.

Did the District Surgeon attend them regularly ?

Reply. Every day he attended them.

Were the cells in which they were confined damp or dry ?

Reply. They were damp. They were flagged with blue slate, and the cells were not aired, besides this the rain came through the flat roofs into the cells.

Are the cells in the same state now in which they were then ?

Reply. No, for now holes large enough to introduce sufficient air are made in the walls, and wooden platforms are placed in each cell for the prisoners to sleep upon and they are allowed blankets.

Were these prisoners kept in chains ?

Reply. They were kept in chains from the time that the sentences came from the Governor.

Have there been other instances of persons dying in the gaol ?

Reply. I think that three have died since I left my situation.

How long is it since you left the gaol ?

Reply. About two years. Sixteen months of that time I have been constable in Algoa Bay.

Was the present undersheriff acting at the time these men died ?

Reply. He was not. O'Donnell was undersheriff at the time.

Was O'Donnell dismissed from his situation, and for what reason ?

Reply. He was dismissed for neglect of duty, and I have heard also for using disreputable language to the Landdrost.

How were these prisoners chained ?

Reply. They were confined in bilboes, which confine the legs only and leave the hands and arms free. They were afterwards handcuffed, and the bilboes were taken off.

Were all the convicts that were sentenced to death confined and chained in the same manner ?

Reply. They were, and were sometimes allowed to take the air for an hour in the small yard.

Did any clergyman attend them before the execution ?

Reply. Mr. Kitchingman did, Mr. Baker and Mr. Read also.

Is it customary for the clergyman in the village to attend the prisoners at all times in the gaol and to pray with them or say prayers ?

Reply. He does not attend unless prisoners are under sentence of death.

[Enclosure 85 in the above.]

Examination of Britannia Jantjes.

29th December 1823.

Do you belong to the Institution of Bethelsdorp ?

Reply. I do, and have been there from the first establishment of it.

Have you ever been employed by Colonel Cuyler to make a road through his estate at Doornkraal ?

Reply. I was employed to make a road above the house at Doornkraal by cutting the bush as far as the river.

How long ago was this ?

Reply. Some years before the last commando, and a little before a vessel was stranded.

Were you commanded from Bethelsdorp, and were any others with you ?

Reply. I don't remember exactly how many were employed, but I think that it was from eight to twelve, and Solomon Vermaak was the overseer. We were all commanded for this duty.

Was it for the purpose of altering the old road ?

Reply. It was. The old road led close past Colonel Cuyler's present house, and the new road goes above the houses and passes all the enclosed grounds and gardens.

Was the old road a public road ?

Reply. It was a public road, and has always been so.

Did you receive any pay for this work ?

Reply. No, I did not.

Did you receive subsistence ?

Reply. We received subsistence, but I don't know whether it was from the gaol or Doornkraal.

Do you know whether there were any other people or labourers employed on this occasion than those commanded from Bethelsdorp ?

Reply. I think they were all from Bethelsdorp to the best of my recollection.

For what length of time were they employed ?

Reply. The most difficult part of the work was to cut

through a bush, and altogether I think we were something less than a week.

Did you take out the stumps ?

Reply. No, we did not.

Whose tools were used on this occasion ?

Reply. We received tools at Doornkraal, but I don't know whose they were.

What do you think you can now gain by your waggon when you are allowed to employ it without interruption ?

Reply. If we employ the waggon here at the village we can make as much as ten dollars per day.

What could you have made by your own labour at the time you were employed in making the road for Colonel Cuyler ?

Reply. I am a tanner by trade, and I could have made from 3 to 5 rixdollars per day.

What do you think that a labouring man at Bethelsdorp can make per day by his own labour ?

Reply. If a man works at Bethelsdorp with another, he may earn as high as a dollar ; some earn less, but most of them can earn four skillings.

Do the Boers frequently apply for labourers at Bethelsdorp ?

Reply. Frequently.

Have they full permission to work out ?

Reply. If the Hottentots are willing to work they are never refused.

Is it necessary for you to obtain a pass from the missionary at Bethelsdorp if you wish to leave it or to come to town with your cart for employment ?

Reply. Yes it is, an order has been in existence by which we are obliged to shew our passes to the Veld-Cornet of the village.

Are you obliged to take a pass when you go to Graham's Town with your cart ?

Reply. No, we are not, if it is only to take a load thither and to return. If it is to leave the District and to reside in another we are obliged to take a pass.

[Enclosure 86 in the above.]

Examination of Solomon Vermaak.

31st December 1823.

How long have you been road-maker in this District ?

Reply. Since the year 1813.

Do you receive any salary or indulgence ?

Reply. No salary, and no other indulgence than that of exemption from personal service on Commandos.

Do you recollect that at any time you superintended the making of a road through the Estate of Lieutenant Colonel Cuyler at Doornkraal ?

Reply. I do.

Do you know at what time you performed this duty ?

Reply. I don't recollect, but I think that it may have been about five or six years ago.

Do you keep no journal of your proceedings ?

Reply. Nothing more than the order I receive.

Do you recollect whether you received an order from Lieutenant Colonel Cuyler to alter the road in question ?

Reply. I did.

Will you state the nature of the new direction that was given to the road ?

Reply. I received an order from Colonel Cuyler to superintend the making of a road, with an intimation that he would order 10 men from Bethelsdorp.

Did those men attend upon the occasion, and did any other men assist in the work ?

Reply. The men attended from Bethelsdorp, but I cannot recollect whether any others attended from other places. I think however that some were sent, but all did not attend.

Do you recollect whether a man from Bethelsdorp named Britannia Jantjes was one of those employed in making this road ?

Reply. He was.

For what length of time were the men employed in it ?

Reply. About three days and a half to cut the bush, and two or three days more to throw out the stones.

Did the people employed receive any pay ?

Reply. Not that I know of, and I myself received none.

Where did you live during the time ?

Reply. I lodged two nights at the Landdrost's house, and one night in the village.

Were the workmen subsisted ?

Reply. I believe not, I don't know that they were.

Is it customary to allow subsistence to workmen and labourers who are commanded to perform work on the public roads ?

Reply. It is customary that inhabitants commanded for such work must provide their own victuals, and the same has taken place with respect to Hottentots from Bethelsdorp, with the exception of the last time they were commanded about a year ago, when I was ordered by the Landdrost to victual them, and I was paid for it from the District's chest.

What work was it on this particular instance ?

Reply. It was in repair of the road to Graham's Town by Sunday's River, and of the Graaff Reinet Road as far as Elands Horen.

Do the Hottentots from Bethelsdorp work well on their duties ?

Reply. The most part of them work well, but there are some who are lazy.

Are you of opinion that the change of the road through Colonel Cuyler's Estate was advantageous to the Public ?

Reply. I cannot say it was. Many people asked me why I left the good road and was making the new one ?

Was the old road more direct than the other ?

Reply. There is a little difference in that respect.

In what respect then do you think the old road more advantageous ?

Reply. Because it was upon level ground, and the new road runs through uneven ground, and there is a swampy place that can never be drained without incurring great expense.

Do you live near the village ?

Reply. I do, about an hour and a half distance from the village.

Have you had any communication lately with any one and whom respecting your attendance upon the Commissioners ?

Reply. About five days ago I told Gert van Rooyen that I intended to speak to the Commissioners about the quit rent of my place, when he said he for his part should not like to do it, and should not advise any other person to do it.

[Enclosure 87 in the above.]

Examination of the Hottentot Hendrik Liebergeld.

31st December 1823.

Have you belonged to the Institution at Bethelsdorp ?

Reply. I have.

Have you at any time been commanded on public work at Uitenhage ?

Reply. I was ordered on the last great commando.

To what service were you assigned ?

Reply. I mounted guard and went on Patroles, worked in the Landdrost's garden, made bricks, and I was twice sent to the forests to fetch poles and spars to Doornkraal.

Who drove the waggons on these occasions ?

Reply. Piet Lustig.

Did you deliver the loads of wood at Doornkraal ?

Reply. I did, and then returned to Uitenhage.

Did you obtain any pay for this work ?

Reply. None at all.

From whence did you obtain rations ?

Reply. From the butcher who supplied the rations ?

How many days were you employed in carrying wood ?

Reply. It took me ten days to go to the forest and to bring the wood to Doornkraal.

Do you know whether it was by the order of Colonel Cuyler that you went upon this service ?

Reply. I don't know whether it was by the Landdrost's orders, but Piet Lustig who was in his service came and ordered them.

Was Piet Lustig a Caffre Constable at the time ?

Reply. I don't know that.

Under whose command were you as serving on the Commando ?

Reply. I was under the command of a corporal of our own.

What was his name ?

Reply. His name is Witbooy, and he is present here to-day.
In what buildings were the bricks used that you made when on Commando ?

Reply. In a building behind the Landdrost's house.

[Enclosure 88 in the above.]

Examination of Louis Witbooy.

31st December 1823.

Have you belonged to the Institution at Bethelsdorp ?

Reply. I was one of the first Hottentots who belonged to it.
Have you ever been ordered on Commando to Uitenhage?

Reply. I have.

To what service were you assigned ?

Reply. I was amongst the first 25 Hottentots that were collected in haste together, and after obtaining arms and ammunition we were sent to Graham's Town, from whence after performing a good deal of Commando duty, we returned to Uitenhage and delivered up our arms. We expected then to be allowed to go home, but we were obliged to pick Indian Corn in the Landdrost's garden, and afterwards to clear the ground of the stocks ; afterwards we were employed in making bricks, when I and another man Stoffel Springfield (now dead) were ordered to act as orderlies.

When you and your party returned, was the Commando still at Uitenhage ?

Reply. Yes, few were on duty in the Square.

Did you or your party receive any pay for this work that you have just described ?

Reply. None whatever.

By whose order was it that you were employed, as you have said, in the Landdrost's garden and in making bricks &c. ?

Reply. By the Landdrost's order.

How do you know that it was by the Landdrost's order ?

Reply. If the Sheriff comes and gives me an order, I conclude that it is the order of the Landdrost.

Who was the sheriff at the time that gave you the order ?

Reply. O'Donnell.

Do you recollect a person of the name of Liebergeld as one of your Party ?

Reply. I do.

Was it customary to order upon other services individuals of your party without your knowledge ?

Reply. Generally I ordered the people, but when I was otherwise employed, they were ordered by others.

Do you recollect that Liebergeld was ever ordered away upon any service ?

Reply. If I am not mistaken, he was once ordered to the forest to cut wood and spars.

Were you accustomed to make any report to the Landdrost of the number of men on duty every morning ?

Reply. I mentioned the numbers of men to the Sheriff, and he made the report to the Landdrost.

Was there any scarcity of Hottentots in the Town to do the duties of the Commando ?

Reply. I think there was.

Do you think that the Hottentots commanded from the different Districts and servants of individuals were employed in the works you have described, as much and as often as the Hottentots from Bethelsdorp ?

Reply. I think I observed no difference.

[Enclosure 89 in the above.]

Examination of Piet Manie.

31st December 1823.

Were you ever on commando duty at Uitenhage ?

Reply. I have been.

Was it the last great commando ?

Reply. It was.

Have you been in the service of any individual when you were ordered on the Commando ?

Reply. I was in the service of one Slabbert.

To what service were you assigned when you came to Uitenhage ?

Reply. To cut and carry thatch and to make bricks, and to work on the road in the village underneath the Drostdy Grounds.

How long did you continue at this work ?

Reply. Two or three months.

Did you receive any pay for it ?

Reply. None.

When the Commando was over did you return to your master ?

Reply. I fell sick, and was returned to my master before the Commando was discharged.

[Enclosure 90 in the above.]

Examination of Edward O'Donnell, formerly Undersheriff at Uitenhage.

31st December 1823.

How long did you serve as under Sheriff at this Gaol ?

Reply. Six years and a half.

Had you the contract for the supply of the gaol rations ?

Reply. No, there was a contractor whose prices were regulated about once or twice in a twelvemonth by the Landdrost and Heemraden.

Were you here in the year 1819 ?

Reply. Yes, I was.

Did you issue rations to the Hottentots that were ordered to Uitenhage on Commando in the same year ?

Reply. Yes, I did, and I think in the month of March 1819.

What were the armed Hottentots and Boers employed in during the day ?

Reply. I did not see them doing much, they were chiefly sleeping and wandering in the village.

Do you recollect whether there were any Hottentots from Bethelsdorp employed on this Commando ?

Reply. There were, but I don't know how many.

Did you issue rations to the Hottentots who were on duty in the Town ?

Reply. I did.

Upon whose order was it ?

Reply. Either upon the order of the Landdrost or the officer commanding on the frontier.

How were the Hottentots who were on Commando in the village employed during the day ?

Reply. I have seen some of them digging the vineyard

near the Landdrost's house, and a party of 11 of them were ordered by the Landdrost to his house at Doornkraal.

Did you serve out rations to this party ?

Reply. I did.

How often in a week ?

Reply. I think it was every day.

Who came for them ?

Reply. I am not certain who it was, but I think it was a Hottentot belonging to the party.

Can you recollect any order from Colonel Cuyler to discontinue rations to the Hottentots on Commando ?

Reply. Only when they were discharged; they were then struck off.

Do you recollect whether any extra pay was given to the Hottentots commanded on public duty when they were employed in the Landdrost's garden ?

Reply. I don't know how that was. I cannot say whether they received anything or not.

Did the armed Boers receive the same rations as the Hottentots ?

Reply. They did, but they drew them themselves from the contractor.

What do you calculate the value of the ration at that time ?

Reply. I think that it was worth 12 stivers (or two skillings).

You know Piet Lustig ?

Reply. Very well, he was a Caffre constable in my time.

Was he ever employed to your knowledge by Colonel Cuyler at Doornkraal ?

Reply. Yes, he was at different times.

Can you recollect for how long ?

Reply. I cannot recollect.

Did he draw his rations as Caffre constable when he was so working at Doornkraal ?

Reply. He drew his pay as constable from me, and when he did not draw his rations he received in lieu money from me.

Did it often happen that he received his rations in money ?

Reply. Whenever he was absent from the Tronk at Doornkraal he received his rations in this way.

By whose order was it that you gave Piet Lustig money for his rations ?

Reply. I had no orders upon the subject.

Did any of the other constables receive their rations in the same way ?

Reply. They did.

[Enclosure 91 in the above.]

LIEUTENANT COLONEL CUYLER'S *Statement.*

In the year 1819 an armed force from all quarters of the Colony was assembled on this Frontier, composed of Burghers and Hottentots to aid the military Regular Force in repulsing the inroads of the Kaffres who had driven in several of the small military posts and laid waste a great extent of Country, a portion of which force was assembled at Uitenhage and stationed at different positions. A detachment of Hottentots was posted at Doorn Kraal, the farm of Lieutenant Colonel Cuyler, one at the farm of R. J. Oelofse southward and interior of that, and at other situations.

It happened at this time that Lieutenant Colonel Cuyler's own servants were employed in clearing of land, and the detachment of Hottentots who were stationed there did occasionally lend a hand and work with the people of the place in clearing of that land.

This detachment of Commando Hottentots was regularly furnished with a soldier's ration of bread and meat sent down from the contractor from the Drostdy, who at that time supplied other detachments of this assembled armed Force, and which rations so supplied were paid for by Lieutenant Colonel Cuyler himself as per original receipt herewith.

This is also accompanied with a declaration on oath of R. J. Oelofse, who had a detachment similarly posted on his place situated contiguous to Doornkraal.

Cape Town, 26th January 1827.

(Signed) J. G. CUYLER.

[Enclosure 92 in the above.]

I the undersigned Roelof Johannes Oelofse declare on oath that in the year 1819 when the commando under Colonel Willshire had marched against the Caffres, three of the Hottentots

who had been called out on commando have been kept stationed for several months with me on the place Riet-Kuil (S. W. or towards the Cape and within the place Doornkraal belonging to Lieutenant Colonel Cuyler), during which time they were furnished with provisions by me without my having received any remuneration.

Given under my signature at Uitenhage this 30th day of December 1826.

(Signed) R. J. OELOFSE.

[Enclosure 93 in the above.]

Questions to be answered by LIEUTENANT COLONEL CUYLER.

1st. By whose order were the Hottentots who had been called out on commando in 1819 sent to occupy the farm of Lieutenant Colonel Cuyler at Doornkraal ?

2nd. Were any detachments quartered at any other farms in the vicinity of Uitenhage in the year 1819, and by whose order ?

In answer to the first and second queries, I beg to state that as the Military Force was collecting on the Frontier in 1819 under Lieutenant Colonel Willshire, I collected at the desire of the Government a number of Burghers and Hottentots to aid the Military in the commando, and at the same time to protect the District. Commandant Muller was placed by me at the head of about 200 burghers and 90 picked Hottentots, and joined Colonel Willshire, while I placed a strong detachment of Burghers and Hottentots at a place called the "Grass Ridge" between Sunday's River and Uitenhage, and two small detachments of Hottentots only on my Farm Doornkraal and on that of Roelof Oelofse, and furnished the Hottentots at Bethelsdorp with arms and ammunition and gave them the necessary directions to form patrols and scour the country. Any person acquainted with the nature of the country will fully confirm the necessity of these measures, as those patrols tended to give security to the District, while notwithstanding those precautions several depredations were committed in the rear of Colonel Willshire's Commando and close to Uitenhage. Of the posting of the detachments Colonel Willshire was per-

fectly aware, as we carried on an almost daily correspondence together, which was entirely protected by these detachments, as they escorted all stores and individuals passing to and from the frontier, (to which Dr. Philip and Colonel Somerset can both testify). In all these measures I was guided by my perfect knowledge of the Country, and made use of that discretion which my civil and military rank combined together fully justified.

3rd Question. By whose order was a detachment of these Commando Hottentots moved from Uitenhage to Graham's Town and thence to the Somerset Farm, where the men were employed on military duty and also at work on the Farm under the superintendence of Mr. Hart ?

Reply. I have already stated in my answer to the 1st and 2nd queries, that I detached 90 picked Hottentots under the order of Commandant Muller to join Colonel Willshire ; from that moment this detachment ceased to be under my orders, and consequently if the circumstance alluded to in this query did occur it must, I conceive, have been by orders, or under the sanction of Colonel Willshire.

4th Question. Lieutenant Colonel Cuyler has presented a receipt of Mr. De Kock's for rixdollars 310. 5. 1, being for rations furnished to the Commando Hottentots whilst working on Colonel Cuyler's Farm ; he is requested to state in what way this payment was brought to account by Mr. De Kock in his account with the Commissariat, and whether ration returns were regularly sent in to the contractor upon which issues were obtained, and by whom those returns were signed ?

Reply. It is necessary to state in answer to this query, that I particularly provided against these detachments left behind for the protection of the village and Drostdy being in the smallest degree a burthen to the Commissariat. Upon this footing I placed the men at Oelofse's, who were all fed at his expense. I offered similar parties to other farmers, who however declined them. On these terms, and exactly upon the same principle, I directed the 10 or 12 men placed at Doornkraal to be provided with a full soldier's ration of bread and meat at my sole expense. This fact is proved by the receipt, which I fortunately preserved, and had the honor of handing to his Honor the Lieutenant Governor, and I can only

remark that Returns or Orders were regularly issued to the Contractor, signed by me or some one duly authorized by me, to serve as a check upon these issues for my own satisfaction ; and upon these Returns, I paid for these Rations *out of my own private funds* ; which consequently could not have been brought into the Commissariat accounts, with which I had however nothing to do.

Cape Town, 24th January 1827.

(Signed) J. G. CUYLER.

[Enclosure 94 in the above.]

CAPE TOWN, 22nd January 1827.

SIR,—I have the honor to acknowledge the receipt of your letter of the 20th instant, and beg leave in compliance with the request that it contains to transmit to you the answer of Lieutenant Colonel Cuyler to the letter that was addressed to him by my colleague and myself on the 16th September 1824 upon the claim of the Bethelsdorp institution to an extension of land together with sundry documents relating to that subject, I further beg leave to add that there can be no objection to your taking extracts from any of the documents which I have had the honor to submit to you.

In reply to your inquiry whether any representation was made to Lord Charles Somerset by my colleague and myself of the employment on his own lands by Lieutenant Colonel Cuyler of Hottentots sent on commando to Uitenhage, I have to state that altho' we forbore from making it the subject of specific representation to his Lordship, in consequence of the length of time that has elapsed since the employment took place, we took occasion to mention it in conversations with him previous to his departure to the Frontier in the early part of the year 1825.

Respecting the accusation brought by Mr. Huntley against the Landdrost of compelling Van Rooyen to sell him a load of flour for less than the market price, I am not aware that we have been or are now in possession of any other evidence than

that which was given at the trials of Mr. Huntley for a libel on the Landdrost and for defaming the character of Van Rooyen.

I have &c.

(Signed) JOHN THOMAS BIGGE.

His Honor Major-General Bourke,
Lieutenant-Governor.

[Enclosure 95 in the above.]

Extract from the Statements of General Complaints transmitted by the COMMISSIONERS OF INQUIRY to LIEUTENANT COLONEL CUYLER, 14th January 1824.

In the year 1819 and during a moment of great public alarm from the expected invasion of the Caffres, certain bodies of the inhabitants of the District as well as of Hottentots from Bethelsdorp and other places were ordered to repair to Uitenhage where they were required to mount guard during the day and to patrol during the night. During this period a party of Hottentots amounting to 12 were ordered to do duty at the estate of Lieutenant Colonel Cuyler at Doornkraal. They were there employed by him or by his order in cleaning four morgen of land of roots and shrubs. During the same period these Hottentots mounted guard and patrolled at night. Like the Hottentots ordered on commando they received rations at the public expense, but did not receive pay or remuneration from Lieutenant Colonel Cuyler.

In the same year, and between the months of January and June, parties of Hottentots were ordered from Bethelsdorp and elsewhere for the public works in the village of Uitenhage. While engaged in these works a party was ordered under the superintendence of a constable, Bernard Dosten, to reap a field of barley at the estate of Lieutenant-Colonel Cuyler at Doornkraal, to reap a field of barley in front of the drostdy house at Uitenhage, and repeatedly to work in his vineyard.

During both these periods the constables who superintended them and the Hottentots themselves received rations and pay, both of which by the pay and ration list appear to have been charged to the district account.

[Enclosure 96 in the above.]

LIEUTENANT-COLONEL CUYLER'S *Statement.*

In the year 1819 there were two new buildings erected for the district, one a house for the accommodation of the servants and slaves of the Court of Circuit, as well as for a store for district purposes, keeping lime, tools, &c., &c., situated near the Court House, and the other an outhouse in the rear of the Drostdy within the wall of the premises, also for servants' accommodation, &c. For these public works there was a regular party at work, or labouring Hottentot men, distinct from the commando people. These labourers were entered by names in regular monthly pay and provision lists, and paid by the District. While this public work was going on, the commando people assembled, and also occasionally aided for a short time after their assembling these regular labourers in making bricks for the buildings as well as in digging and planting a new vineyard laid out that year on the Drostdy premises, not the property of Lieutenant-Colonel Cuyler, but the District.

¶ The aid that these commando people afforded was only looked upon as fatigue work, which has not been uncommon.

During the commando which expelled the Kaffers from the Zuurveld in 1811 and 1812 some hundreds of the commando men were for weeks kept employed in cutting and making new roads and destroying Kaffer gardens, and who received no remuneration whatever.

Lieutenant Colonel Cuyler has to acknowledge that in his harvest, which he finds from notes commenced 19th and ended 30th December 1819, some of the district regular labourers, he believes four, aided in the getting in of his corn on his place, and that it had been his intention to have struck such men so employed for his private ends off the District pay list, but somehow it escaped being done, and which he exceedingly regrets.

Uitenhage, 20th January 1824.

(Signed) J. G. CUYLER.

[Enclosure 97 in the above.]

Examination of ORSON KNAPSAK.

30th December 1823.

Have you been commanded, and on what occasion, from Bethelsdorp to attend the commando ?

Reply. I don't belong to Bethelsdorp. I was taken from the service of my master Mr. Taute to attend the commando in 1819.

To what particular service were you assigned ?

Reply. To mount guard, to patrol, and to make bricks. I then went with the commando to Washas Flat and Graham's Town, and was sent from thence to Somerset farm.

How long did you work there ?

Reply. For six months.

What work were you employed in at Somerset farm ?

Reply. We mounted guard at night and were besides employed in making a battery and in cutting wood for charcoal burning, assisting in threshing wheat, and in ploughing. I was employed also as a leader of waggons between Graham's Town and Somerset farm.

Who was the superintendent of the work that you did at Somerset farm ?

Reply. One Hart.

Did you receive pay from him for the work you so did ?

Reply. Nothing but a dram.

Did you consider that a sufficient remuneration for the labour that you performed ?

Reply. I did not.

Who supplied you with rations ?

Reply. Mr. Hart.

How many people were employed on Somerset farm at the same time ?

Reply. I do not well recollect, I think there were about 12 or more.

Were there any Hottentots from Bethelsdorp ?

Reply. There were, but I don't know how many. There is one Hottentot, Africaner Orson, whom I see in attendance here to-day, who was at Somerset farm.

After your service on commando duty was expired, were you allowed to go and find a new master, or were you called upon to conclude the portion of service yet unfinished when you quitted your former master ?

Reply. I reported myself to the Landdrost when I returned from commando duty, and received from him the pass which I now produce.

ORSON X KNAPSAK.

[Enclosure 98 in the above.]

Extract from the trial in the case of His Majesty's Fiscal R. O. Prosecutor versus Hugh Huntley for libel on the Landdrost, held by the Commissioners of Circuit at Uitenhage on Monday 25th September 1820.

That the Landdrost prevented an Inhabitant from selling a load of wheat for 50 rixdollars and ordered the inhabitant to sell it to him for 40 rixdollars.

And whereupon the Witnesses given up are

1st. Gerrit van Rooyen,

2nd. Ignatius Johannes Muller.

Gerrit van Rooyen, aged 47 years, born in Swellendam, being made acquainted &c., &c., states as follows :

That about six or seven years ago he (the witness) brought a load of flour to the Drostdy, which was bespoke by Coenraad William Barendse, when the Landdrost sent for him, and asked him the Witness to buy the flour, and stated that he was much in want of it, which he the witness said he could not do, as it was bespoken by Barendse.

Whereupon the Landdrost offered him five rixdollars above the price, and asked him the Witness if he would not sell him the flour therefor, and afterwards sent for the said Barendse, and asked him if he would give up his claim to the said flour, as he was much in want of it, the said Barendse having agreed thereto, he sold the flour to the Landdrost for that price.

The summoned asks the Witness : Have you not during the last Commando, in the Tents publicly said that Lieutenant Colonel Cuyler had ordered you to sell him a load of wheat, or flour, for less than it was already sold ?

Reply. No.

The foregoing answers &c. he persists therein.

Ignatius Johannes Muller, aged 48 years, born in Swellendam, being made acquainted &c. &c., answers as follows :

Do you know that during the last Commando Gerrit van Rooyen publicly said in one of the Tents that Lieutenant Colonel Cuyler had ordered him to give to him (Colonel Cuyler) a load of wheat (or flour) for less than he had sold it to another Person ?

Reply. No, that I recollect nothing of.

2nd. Have you not heard Gerrit van Rooyen say so in another place ?

Reply. Yes, he has told me here in the village that he was obliged to sell a load of flour to Colonel Cuyler for 10 rixdollars less than he could have got for it.

The Commission asks the Witness :

1st. What occasioned said Van Rooyen to tell you this ?

Reply. We were waiting together at a house, and there he told it to me.

2nd. Was there any person present when he told you of it ?

Reply. No, we were alone.

The summoned asks the Witness :

Did Van Rooyen not mention to you the name of the man who would have given him 10 dollars more ?

Reply. Yes, one Barendse.

The summoned in person says that as he thought that Gerrit van Rooyen was looked upon as a respectable man, and had even been proposed as Heemraad, he did not think he would have denied what he had said, and he therefore did not give up any Witnesses to prove what he had said and begs that the witness Bernardus Rens, who heard the expressions, may be heard, and thereupon came in

Bernardus Rens, aged 29, born in the Cape, being made acquainted &c. states :

That whilst the Witness was with the last Commando, at the place of Major Frazer, and that there was a discourse of what had happened between Colonel Cuyler and Commandant Muller, Gerrit van Rooyen in the presence of Stephanus Ferreira, Ignatius Johannes Muller, Daniel Retief, Solomon Potgieter, and as he believes some others, said that he once

was come to this village with a load of meal, which was bespoken by Coenraad Willem Barendse for fifty rixdollars, when Colonel Cuyler had sent for him, and that he must sell him that load of flour for forty rixdollars, tho' the Witness cannot positively say, whether the said Van Rooyen had stated that the flour was for Colonel Cuyler himself, or for the Government Store, whereupon some words passed between him (V. R.) and Colonel Cuyler, but that he was obliged to deliver the flour to Colonel Cuyler for the beforesaid price, and that the said Colonel Cuyler had a hatred against him for three years after.

The R.O. Prosecutor asks the Witness :

Is there any misunderstanding between you and the Landdrost ?

Reply. No.

(Signed) J. H. NEETHLING,
P. J. BUISSINNE.

[Enclosure 99 in the above.]

Extracts from the trial of GERRIT VAN ROOYEN versus HUGH HUNTLEY for defamation, before the Court of Circuit at Uitenhage, 30th October 1821.

Ignatius Stephanus Ferreira, aged 31, born in Long Kloof.

Questions by the Summoned :

Did you ever hear Van Rooyen say that the Landdrost had obliged him to sell a load of wheat to him for less than he Van Rooyen could have got for it from Barendse ?

Reply. No. But he said thus, That he came here with a load of flour, which he had sold to Barendse for 50 rixdollars, and that the Landdrost sent for him and said he was in want of flour for Government, and that he would give him five rixdollars more, but upon which he the Plaintiff replied that he had already sold it to Barendse, whereupon the Landdrost sent for Barendse, who agreed to resign the flour, provided the Landdrost would send him some of it, that upon his receiving payment the Landdrost gave him 45 rixdollars, whereas he thought he was to have had 55 rixdollars, upon which he spoke to the Landdrost, who told him that was all he should get, to which the Plaintiff spoke against, and thereupon the Landdrost

answered him he was the first who had shewn himself stubborn, and he should be the last, but he the Plaintiff added, "No, sir, if you act in this manner you will get other chaps before you," he talked to me more about it, but this is the best I recollect about it.

When Van Rooyen told you this, did he appear to be aggrieved by it ?

Reply. Yes, he appeared to be angry about it, and to take it to heart.

Did he speak of it as a secret or to make it public ?

Reply. No, he did not tell it as a secret.

The Plaintiff asks the witness :

Who was present as a Witness when I said this ?

Reply. I think Rens was present, and you also told me this in your house.

Coenraad William Barendse, aged 57, born in Germany.

Questions by the summoned :

Do you know that the Landdrost obliged Gerrit van Rooyen to sell him a load of wheat or flour for less than you had bought it of him ?

Reply. No, that I do no more recollect.

Do you recollect the Landdrost sending to you to ask if you would agree to Van Rooyen's selling him a load of Wheat or Flour which he had sold to you, provided he the Landdrost gave more for it ?

Reply. It is so many years ago that I cannot recollect whether the Landdrost said he would give more or less.

Did anything take place concerning this load of Wheat or Flour which could have induced Gerrit van Rooyen to spread anything abroad to the prejudice of the Landdrost ?

Reply. Nothing but that Gerrit van Rooyen was discontented that he could not unload the Flour at my house, as I had paid him for it.

The Plaintiff asks the Witness :

Do you not know that you resigned this load of Flour, on conditions that I should deliver you another load ?

Reply. That I do not more recollect.

Cannot you recollect if I paid you the full sum of the load ?

Reply. It must certainly have been paid, either with money or flour, as you are no more in my debt.

Did you receive Wheat or Flour from me ?

Reply. I think Flour, but I do not know rightly.

(Signed) F. R. BRESLER,
J. C. FLECK.

[Enclosure 100 in the above.]

Extracts from the Minutes of the Court of Appeals for civil cases, held on Saturday the Thirtieth day of November in the year of Our Lord one thousand eight hundred and twenty-two, in the Public Court Room, in the Settlement of the Cape of Good Hope.

Present His Excellency General the Right Honorable Lord Charles Henry Somerset, Governor and Commander in Chief &c. &c.

Van Rooyen versus Huntley, In appeal from a sentence of the Worshipful Commission of Circuit in the Drostdy of Uitenhage, bearing date 30th day of October in the year of our Lord 1821.

The Court having read and duly considered the Appellant's and Respondent's cases with the Appendices and Exhibits thereunto annexed, as well as the Respondent's Reply and Appellant's Rejoinder, doth admit this Appeal, and doth reverse the sentence appealed from.

A true copy.

(Signed) J. P. SERRURIER, Secretary.

[Enclosure 101 in the above.]

LIEUTENANT COLONEL CUYLER'S *Reply*.

Of this affair I have no recollection. At the period in question my family was very small. I received the usual Military Rations from the Commissariat Department, and paid for whatever extra Rations I might then require. I never required to purchase, and certainly did not then purchase a load of flour for my own private use. If the flour was bought, it must have been for the public service and at the current

price of the day ; of this I am positive, and I pledge my honor that I never extorted from said Van Rooyen his flour for a less price than he could receive from any other person.

Cape Town, 26th January 1827.

(Signed) J. G. CUYLER.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *January 29th* 1827.

MY LORD,—With reference to my despatch of the 24th October last (No. 92) I have the honor to transmit a letter from the Acting Auditor General enclosing a further account of sums expended by the Colonial Government on Military Buildings within the last ten years. These items of charge had previously escaped the notice of the Auditor, being contained in the accounts of the Somerset Farm, where such matters were not expected to be found.

In that despatch I had the honor to state to your Lordship that much practical inconvenience had resulted from the resolutions of Council of the 6th June 1825 opposing the transfer to the Ordnance Department of the several military works and buildings in the Colony in the mode required by the Master General and Board. I have now the honor to enclose a communication from the respective officers acquainting me with their having received the orders of the Master General and Board “that no expense should be incurred by them in the repair of the buildings reserved by the Governor and not regularly transferred to the Ordnance Department.” I have thus been placed under the disagreeable alternative of either allowing an immediate stop to be put to the repairs of Barracks and other buildings required for the use of His Majesty’s Troops, or of directing the expence to be defrayed from Extraordinaries of the Army as suggested by the respective officers. I have taken the latter course as least likely to prejudice the public service, and have written to the Lords of the Treasury in explanation. I have now to submit to your Lordship the expediency of

disposing of the matter at issue between the Board of Ordnance and the Colony, and of furnishing me with instructions to make the necessary transfers. The repairs which I have directed to be continued were approved of and ordered to be executed by the Board of Ordnance according to the Estimate voted by Parliament; but it is probable that no portion of this year's estimate will be allotted by the Board to this station if the question of transfer be not decided. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Declaration of MR. ISAAC STROMBOM.

Isaac Strombom, formerly of the Cape of Good Hope but now of No. 65, Old Broad Street in the City of London, Merchant,
Maketh oath and saith,

That besides several other essential services rendered his Majesty's Squadron and its Commander in Chief Vice Admiral Sir George Keith Elphinstone and to His Majesty's Government in general, before, at, and after the capture of the Cape of Good Hope by His Majesty's Forces in 1795 and 6, (partly stated in the several addresses by the deponent to the Right Honorable the Earl Bathurst and the Right Honorable Lord Viscount Melville). When, shortly after the surrender of the Colony in September 1795, while Vice Admiral Sir George Keith Elphinstone, who the deponent was informed besides Naval Commander in Chief also having held a separate Commission or Order from His Majesty's Secretary of State, and for about three weeks resided with the deponent at his house in Cape Town and honored him with his confidence and friendship, having expressed to deponent (as being at the time sole owner of the only private ship then belonging to the Colony, called the *Eliza*, of about 400 tons) his wish to encourage and obtain the goodwill of the inhabitants and Country People towards the British Government by pointing out to them a channel of benefit on their colonial produce being exported to and gradual reciprocal trade with England, and on the deponent representing, that notwithstanding the deponent had other employment in con-

temptation for his said vessel (probably to New South Wales) he would feel happy to attend to Sir George's wishes and promote the views and interests of His Majesty's Government. was it not that the extraordinary heavy duties stated in the London Price Current on Wine and Spirits made it almost impossible to attempt without certain considerable loss ! To which Sir George Keith Elphinstone replied that the Cape of Good Hope being now a British Colony and the deponent a British subject, He the Naval Commander in Chief would give public passports and papers for the deponent's vessel as well as to the Secretary of State, which would afford the utmost protection and ensure the reduction of the duties on arriving in England, at least, equal to His Majesty's other Colonies ! upon which representation and perfect reliance, the deponent commenced loading and in about January 1796 sent his said vessel the *Eliza* with (besides a few articles for St. Helena) a cargo of about 22,000 gallons wine and brandy and some other Cape products, consigned to the house of Messrs. Wigram & Co., of London, under the friendly superintendence of Doctor Hugh Gillan ; but notwithstanding accompanied with passports and other certificates and papers of the most friendly and recommendary expressions, the deponent was informed, that although His Majesty's then Ministers the late Right Honorable Mr. Pitt and Mr. Dundas expressed every wish to promote the deponent's interest the duties could not be lowered without an Act of Parliament, which at that period was judged impolitic, and the deponent suffered consequently a loss of upwards of three thousand five hundred pounds, although the final issue and particulars, owing to the decease of his friend Doctor Gillan and other circumstances, were not known to the deponent till several years after.

While the deponent verily believes, from information since received, that had he sent the *Eliza*, as originally intended to New South Wales, with a return cargo of wood and coals &c., it would have netted him a profit of upwards of ten thousand pounds sterling !

The deponent further saith, that having in about the latter end of 1796 and beginning of 1797, at the strong representations of the Acting Governor Lieutenant General Sir James Craig that it would forward the views of His Majesty's Government

bought and sent a ship called the *Good Hope* to Mozambique, but on which owing to particular occurrences not under his control, as stated in his address to the Right Honorable Earl Bathurst under the 2nd June 1825, the deponent further suffered a loss of about four thousand pounds !

Which both shipments the deponent most solemnly declares he only undertook at the request and strong representations of the aforesaid British Commanding Officers, and that besides which, particularly during the critical times of the expected attack of the Cape by the Dutch and French Forces in 1796 and 7, as well as while the credit of Great Britain was harassed, if not shaken by the stoppage of the Bank Cash Payments, and Mutiny of part of His Majesty's Fleet, together with the troubles in Ireland ; the deponent's fortune as well as his personal services were ever ready in promoting His Majesty's Service, and the deponent verily believes that he contributed materially in upholding the credit even of the very Government Paper Currency, through which afterwards his principal losses originated ; and the deponent also verily believes that several other Colonial losses by lawsuits and otherwise were indirectly instigated towards the deponent by secret enemies on account of his known attachment to the British Government and his exertions to promote its true interest on every occasion in the deponent's power !

And the deponent further saith, that he firmly believes that his services and exertions and conduct during his residence at the Cape of Good Hope were directly and indirectly beneficial to His Majesty's Government and Great Britain in general in a ten, if not a hundred fold ratio comparative to the deponent's losses.

And the deponent further saith that with the exception of a Naval Victualling Contract in 1796, received in the expectation of a long continuance, but after only about five months, owing as the deponent verily believes to false representations to and misconception by the Commander in Chief Sir George Keith Elphinstone (withdrawn from the deponent without any fault of his) the deponent never has received either any compensation for his losses, nor any reward for his services from His Majesty's Government, but on the contrary the deponent and his family almost totally ruined through the

strong confidence he placed that His Majesty's Government Paper Currency at the Cape of Good Hope should have been kept up in value according to as stipulated in the several Capitulations, but unfortunately has been suffered to be depreciated about two-thirds from its original value ! And the deponent saith, that having so long withheld from addressing His Majesty's Government was partly as he hoped his Acts would have spoken for themselves, and in the expectation Lord Keith would, of his own accord, have procured the deponent some compensation from His Majesty's Government, as well as the disinclination of the deponent troubling His Majesty's Ministers as long as he had sufficient remains of his fortune to support himself and his family with comfort in an independent manner, but from which having been gradually in part deprived, and last totally ruined, through the depreciation of the value of the Government Paper Currency at the Cape of Good Hope, which occasioned his failure in 1815, and since reduced the yearly income of a settlement on his children in 1806 of 36,000 Rixdollars, about two thirds from its original value. After having been further delayed through lawsuits &c., and which together with his anxiety of mind until finally decided by His Majesty's Council, and that he could prove to his friends, some of whom were of the highest respectability, that there was no imputation on his character, nor his misfortunes owing to any fault of his, he almost totally secluded himself until the facts proved his correctness ! When Lord Keith with several other friends having died, he found himself compelled though almost left to himself and personal character, to address the Right Honorable Earl Bathurst the 11th March 1825, and successive, as also the Right Honorable Lord Viscount Melville with several documents successively found amongst his old papers, as at least serving as circumstantial, if not direct, evidence, to corroborate his statements as will appear by the same papers if referred to.

(Signed) I. STROMBOM.

Sworn at the Mansion House, London, this 30th January 1827.

Before me,

(Signed) A. BROWN, Mayor.

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[Office Copy.]

Letter from R. W. HAY, ESQRE., to the REVEREND DR. MANUEL.

DOWLING STREET, 31 *January* 1827.

SIR,—In answer to your letter of the 25 Instant, I have received Earl Bathurst's directions to acquaint you that his Lordship has no objection to allow the Reverend Mr. Cassie to delay his departure from Scotland till the month of March following. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February* 1st 1827.

MY LORD,—With reference to the letter which I had the honor of addressing to Mr. Hay, your Lordship's under Secretary, on the 16th December last, stating that I had taken measures for relieving the Colony at the commencement of the present year from a considerable annual expense by taking the charge of the Town Water Works from the Superintendant Mr. Chisholm, and placing them under the direction of the Civil Engineer, I have now the honor to transmit for your Lordship's consideration the copy of a Memorial which Mr. Chisholm, who feels himself aggrieved by this arrangement, has presented to me, and requested me to lay before your Lordship.

As by my despatch of the 9th September last, I conveyed to your Lordship my sentiments on the reasonableness of discharging Mr. Chisholm from a situation which he had enjoyed for so much longer a period than was prescribed by his contract, no comment on the accompanying Memorial appears to be necessary, and I have but to add that in compliance with a recommendation from the Burgher Senate in favor of Mr. Chisholm, I have permitted him to draw Salary until the end of March next, when he is to declare his intention either to remain in the Colony, or return to England at the expense of Government, under the terms of his Contract. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from LORD CHARLES SOMERSET *to* R. W. HAY, ESQRE.

48 LOWER GROSVENOR STREET, LONDON, 1st February 1827.

SIR,—I have the honor to acknowledge, with many thanks, the duplicate of Major-General Bourke's despatch to Earl Bathurst of the 22nd June last, with a copy of his Lordship's reply thereto under date 24th October last, and I cannot in justice to myself or to the individuals to whom the Major-General's Despatch relates (however humble their station) refrain from attempting to correct a most extraordinary misrepresentation contained therein, and which could only have arisen from most erroneous information. The passage I allude to is that "the Government Slaves are universally pronounced to be the most profligate and discreditable in the Colony." The conduct of those employed in and about my house may be justly taken as a criterion of the whole, since a Report of the malpractices of the others never reached my ears, and from the well-known interest I have ever evinced on this subject, it is impossible that any glaring improprieties would have been concealed. From my own observation, therefore, I can positively declare (what I am sure will be confirmed by every person who has had an opportunity of being acquainted with my Establishment) that I do not believe that an equal number of the working class in any country can be produced who are happier or generally better conducted than the Government Slaves who have been employed by me. Of those employed in the house I can assert that they are orderly, obedient, good servants. Of those employed out of doors, I believe there cannot be a happier or more contented set. Every one of them who desires it has a plot of ground allotted to him for his own use, every humane attention is shewn to them when sick, there being a hospital and medical officer appointed for that purpose, they are well fed, clothed, and enjoy their festivals and dances. It is a matter of greater astonishment to me that Major-General Bourke should have made so unreserved an assertion, without having stated also what measures I have adopted towards the Government Slaves since I have had the honor to administer the Govern-

ment of the Cape. When I arrived there none were baptized, there was no opportunity afforded of instruction. At present a most commodious school is erected, separating the male children from the female, who are all compelled to attend the school as soon as they are of sufficient age. They are taught to read and write, and females learn also needle work, and they attend church regularly and those who have voices constitute the singers. The school is under the immediate and peculiar charge of the Revd. Mr. Hough, the Colonial Chaplain, who performs all his duties with the most conscientious integrity. If therefore training these slaves to be good household and horticultural servants, if attention to the education of their youth, instilling into their minds religious and moral instruction, and fitting them for emancipation as they grow to manhood, tend to render them profligate and discreditable, then and not till then, will they deserve the opprobrious stigma which the Lieutenant Governor has been induced to cast upon them.

With regard to the emancipation of the adults, I regret that I was not acquainted with Earl Bathurst's intention previous to the order being sent to the Lieutenant Governor, as from the very minute and extensive researches I made relative to every class of the Slave population at the Cape, when preparing my Proclamation of the 18th of March 1823 for ameliorating the condition of the Slaves, I feel myself confident to have afforded some suggestions which might have been found extremely beneficial in carrying the measure into execution.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the RIGHT REVEREND DR. WILLIAM POYNTER *to*
R. W. HAY, ESQRE.

4 CASTLE STREET, HOLBORN, February 1st 1827.

SIR,—I have the honor to inform you that the Revd. Mr. Rishton is come to town, and will be ready to depart for the

Cape of Good Hope by the first vessel that sails. Perhaps you may be able to inform me, when there will be a vessel for the Cape, and how Mr. Rishton may secure a passage.

Mr. Rishton has requested me to enquire of you whether one quarter of his yearly salary could be advanced to him here, to enable him to fit himself out. May I take the liberty of asking you whether this favour will be granted him.

By the last letter I received from the Cape, I learnt that the Revd. Mr. Wagenaar, the Catholic clergyman who is there, had not received any part of his allowance, and was apprehensive that orders had not yet been received for the payment of it. If you find that such orders have not yet been sent, I beg leave to recommend the subject to your kind attention.

I have &c.

(Signed) WILLIAM POYNTER, V.A.L.

[Original.]

Letter from SIR HERBERT TAYLOR *to* R. W. HAY, ESQRE.

HORSE GUARDS, 1st February 1827

MY DEAR HAY,—I beg to remind you that no official Instructions have yet been received from Lord Bathurst for keeping up the Cape Infantry, as determined by His Lordship when the Regiment intended to replace that Force was diverted from its original destination in order to make up the Corps for Portugal. The consequence is that the Cape Corps has not been replaced on the Establishment and that the various Commissions cannot be filled. I remain &c.

(Signed) H. TAYLOR.

[Original.]

*Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.*GOVERNMENT HOUSE, CAPE TOWN, *February 2nd 1827.*

MY LORD,—At the request of those persons whose names are thereto subscribed I have the honor to transmit a petition to His Majesty praying for a suspension of the Ordinance for improving the condition of the Slaves in this Colony. As the arguments of the Petitioners appear to be directed generally against any legislative interference between Master and Slave, it is not necessary for me to make any comment upon them; but with respect to the fact of the value of Slaves having been much reduced since the passing of the Ordinance of the 19th June last, I attribute but little of this depreciation to the enactment, as from the prevailing scarcity of money and the general pressure of distress every description of property is now at a very low rate in this Colony.

I have reason to believe that the great repugnance evinced by the Slave Owners to this Ordinance on its promulgation has of late been much diminished, and I see no cause for recommending to your Lordship that the Law should be suspended. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

*Letter from LORD CHARLES SOMERSET to R. W. HAY, ESQRE.*LOWER GROSVENOR STREET, *February 2nd 1827.*

MY DEAR SIR. In reply to your letter of the 31st January I have the honor to state to you that Ministers of the Dutch Church are at this time required at the Cape for the following Stations: George, Caledon, Clanwilliam, and the newly erected church at Tygerberg, built entirely at the expence of the inhabitants. I think therefore that Lord Bathurst may still think well of appointing Mr. Ballot to George, as the Landrost and inhabitants have expressed an anxiety to have him for their Pastor. As Mr. Ballot's Father died Minister of

Tulbagh at the Cape, and as the son was sent to Holland expressly to be educated as a Minister of the Church, I trust his Lordship will think favourably of his request. As Caledon and Tygerberg are in the vicinity of Cape Town, and as there are several English Settlers at Clanwilliam, and as George (where there are only Dutch Inhabitants) is much the most remote of the 4 stations, being 350 miles from Cape Town, the Scotch gentlemen would probably prefer the other stations.

I have &c.

(Signed) CHARLES HENRY SOMERSET.

[Original.]

Letter from the Navy Board to R. W. HAY, ESQRE.

NAVY OFFICE, 2nd February 1827.

SIR,—Adverting to your letter of the 16th instant, we acquaint you, for the information of Earl Bathurst, that the Reverend Mr. Rishton, a Roman Catholic clergyman, will be provided with a passage to the Cape of Good Hope on board the *Olive Branch*, 217 tons ; and you will be hereafter informed when he may embark. We are, &c.

(Signed) J. THOMSON,
ROBERT G. MIDDLETON,
R. DUNDAS.

[Original.]

Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.

COLONIAL OFFICE, CAPE OF GOOD HOPE, 2nd February 1827.

SIR,—I have the honor to inform you that thirty half aums of Constantia Wine have been shipped to the address of Earl Bathurst on His Majesty's Sloop *Slaney*, William Thornton Commander. I have &c.

(Signed) RICHD. PLASKET.

[*Original*]

*Letter from the President of the Glasgow Missionary Society to
Lord CHARLES SOMERSET.*

GLASGOW, 2nd February 1827.

MY LORD.—Understanding that your Lordship is at present in England, the Directors of the Glasgow Missionary Society cannot allow the opportunity to pass of expressing their sincere and respectful thanks for the many attentions received at your hands by their deputed agents in that part of the British Dominions committed by His Majesty to your Lordship's Government.

Prosecuting with single and humble aim their errand of Christian benevolence among the people of Caffre-land, our Missionaries cannot but be sensible that under God they owe the safety of their persons and property to your Lordship's watchful protection, as well as to the active guardianship of your noble son the Commander-in-Chief of the Frontiers. And it is our most earnest wish, and as far as our instructions to and superintendence over our missionaries may secure it, it will be our constant care that their zealous discharge of their peculiar duties shall be accompanied with the most judicious guidance and steady loyalty.

Our Society has now existed for many years, though it is but recently as your Lordship knows, that we have been able to send out Missionaries; nor even yet can we prosecute our operations on a scale at all proportioned to our wishes or to the wants of the Caffre population. Our missionaries however are now numerous enough to be enabled to act with a vigour and concert of which the first fruits have been very auspicious.

Another young man has lately been ordained to the office of the Ministry, whom we purpose to send out with all convenient speed to join his brethren. He may possibly be accompanied by a Catechist, and both are married. May we beg for them and their wives your Lordship's protection? Permit us to add that if any ideas occur to your Lordship which you

might think it of importance to suggest to us in reference to their comfort and usefulness, you will confer an important favour by communicating them.

Convinced that Christian instruction may be expected to operate with the happier effect on minds somewhat opened by a knowledge of the arts of life, our missionaries have not been neglectful of the opportunity which their residence among that rude yet interesting people affords of inspiring them with a taste for improvement. That this end may be accomplished to more purpose, the Society is desirous, as soon as they find themselves in circumstances to do so, of sending out mechanics of religious and prudent character to teach the more necessary trades, and we have been already using means to obtain such persons, though hitherto without success. In this also we presume on your Lordship's approbation, well knowing the exertions which your Lordship has already made to promote the civilization of the natives.

Propriety may require that His Majesty's Secretary of State for the Colonial Department should be acknowledged by us. We would be happy to be favoured with his countenance ; and if your Lordship apprehends this to be of advantage to our cause, as we cannot, My Lord, have a better medium of approach to him than through yourself, so we feel assured that your condescension will allow us to ask of you the favour of mentioning us to the Earl Bathurst. The liberality of His Majesty's Government in the case of Mr. Thomson encourages us to hope that if the plan and operations of the Glasgow Missionary Society were favourably represented to the Noble Secretary, a free passage to Africa might be granted to our missionaries, which would be peculiarly acceptable at this time, when our funds in common with those of other benevolent societies are considerably affected by the state of the country. Might we request that your Lordship would either mention this to the Secretary or point out to us the proper mode of making application.

We beg in conclusion to offer our best wishes for your Lordship's health and happiness. May Divine Providence send you a prosperous voyage when you shall return to the scene of your Government. And may we further beg that either

then or before, when communicating with him by letter, you would bear to your gallant son our most grateful respects.

I have &c.

In the name of the Directors of the Glasgow Missionary Society,

(Signed) PATRICK MCFARLAN, President.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February 3rd 1827.*

MY LORD,—I have the honor to transmit the copy of a Minute of Council in reply to a Memorial from several of the Inhabitants of the District of Albany praying that the Colonial Law prohibiting distillation from grain may be repealed, Memorialists having this year reaped an abundant harvest of barley and oats, and fearing that they could not in any other way than by distillation dispose of their surplus corn. The Council for the reasons expressed in the Minute declined complying with the prayer of the Memorial, but have recommended that the subject be submitted to the consideration of His Majesty's Government.

It is truly gratifying to be enabled to state to your Lordship that the affairs of the Settlers in Albany appear to be improving. By far the greater part of these people are now finally placed on their lands, which have this year yielded considerable returns of barley and oats, and in some places, tho' not generally, the wheat is reported to be an average crop. The power of producing the former of these grains in the Albany District is I believe very extended, and if any easy vent for the surplus produce were procurable might be made a source of great profit to the growers. The difficulty consists in the expence of land carriage from the district to the shipping port in Algoa Bay. Return carriage is but seldom to be had, and the whole cost of transport must be laid on the grain, which would in most years enhance its price beyond what the exporter could afford to pay. If the prices were *very low*, the barley would

very low

be taken off to St. Helena and the oats to Mauritius. Several cargoes of these grains grown chiefly in the neighbouring parts of the Uitenhage District have been shipped at Port Elizabeth. The difficulty attending the entrance of the River Kowie is such as to have deterred almost all the Traders from frequenting Port Frances, and little or no advantage can be taken of the favorable position of the mouth of this river as respects Albany.

The expense of land carriage to the shipping port appears thus to be the only obstacle to the profitable disposal of the surplus grain of Albany. This it is to be hoped may in a great measure be overcome by an increased demand in that district for wine, brandy, and British goods brought coastwise from Table Bay and for Mauritius sugar landed at Port Elizabeth, which would thus furnish a return load for the waggons employed in bringing grain to the coast. Barley may also be used for brewing beer for the consumption of the District, which is not prohibited by the Colonial Laws for domestic use, and Beer may be brewed for sale on an annual license of forty-five pounds. If it were to be allowed to distil Spirit from grain, it would be necessary to subject it to an excise duty equal to the inland duties now paid on the brandy and wine of this Colony, and these excise duties are found to be extremely troublesome in all countries, and would be very difficult to introduce here with effect, and only at a considerable expence in the collection.

I have thus laid the principal facts of the case before your Lordship, and have to beg the honor of your instructions. I think it my duty at the same time with great deference to submit as my opinion, that it is expedient for the present at least to continue the existing prohibition. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure in the above.]

To His Honor Major-General Bourke, Lieutenant-Governor of
the Colony of the Cape of Good Hope.

The Petition of the undersigned humbly sheweth

That your Petitioners interested in the Agricultural prosperity of the Settlement beg respectfully to state to your

Honor that a much greater quantity of both barley and oats has been raised this season than can be required for the use of the military, which being the only market open to them, they have no prospect of a sale for the surplus Produce.

That this circumstance will not only prove injurious to the present growers, but must inevitably tend to limit the cultivation of those grains for the future, and consequently enhance the price to the Government.

That your Petitioners can see no other remedy by which this industry (on the point of being checked) can be protected and encouraged, but by the removal of the prohibition to distil spirits from grain.

That your Petitioners therefore most humbly pray that your Honor will be pleased to take their case into consideration, and to permit free distillation from these grains.

And your Petitioners as in duty bound will ever pray &c.

Graham's Town, 12th December 1826.

(Signed) A. B. DIETZ,
and by 190 other Inhabitants.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February 3rd* 1827.

MY LORD,—In obedience to the instructions contained in your Lordship's despatch of the 22nd August last, No. 296, I brought before the Council for reconsideration the proposed alterations in the Corn Laws of this Colony as submitted to your Lordship in my despatch of the 1st May 1826. I have now the honor to transmit the copy of a Minute by which your Lordship will perceive that the subject has been again fully investigated, and the evidence and documents upon which the Council formed their opinions are annexed. These have undergone no change in consequence of the late investigation, but in deference to your Lordship's observations a fixed duty is proposed in lieu of one ad valorem.

I regret extremely not having furnished the evidence when

I first addressed your Lordship on this subject. I have only to offer in excuse that having so lately undertaken the administration of the Colony, I was not aware of the necessity.

I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February 3rd 1827.*

MY LORD,—Since I had the honor of addressing your Lordship on the 29th ultimo relative to the conduct of the Landdrost of Uitenhage I have received from him a letter of which the enclosed is a copy, and which I beg leave to submit to your Lordship's consideration. Having in my former despatch given so full an account of the conduct and circumstances of the Landdrost I have now little to remark with respect to his present application; but I think it my duty to observe that giving the Landdrost full credit for the acknowledged merit and importance of his former services, I do not conceive that he can reasonably expect a pension, having already received such considerable grants of Land. I have &c.

(Signed) RICHD. BOURKE.

[Enclosure 1 in the above.]

CAPE TOWN, *29th January 1827.*

SIR,—Upon mature consideration of the suggestion you were pleased to communicate to me at our last interview, relative to my retiring from the Civil Service, and with reference to the general tenor of our conversation on that occasion, I cannot refrain from again reminding your Honor how cruelly I have been harassed, particularly during the last eight or ten years, by a system of annoyances and personal hostility, pursued to

this day with the most vindictive and acrimonious pertinacity. Notwithstanding the limited information which your Honor's recent arrival doubtless enabled you to collect of previous occurrences in this Colony, you will not have failed to remark in my particular case, that no accusation of a recent date has been brought against me, but that at my advanced age I have been called from the bosom of my family, and from the discharge of my arduous magisterial duties, to perform a journey overland of 500 miles to render an account of matters said to have occurred 12 or 15 years ago, which have repeatedly and in various forms been made the subjects of strict official investigations, and which have been, I hope, fully and satisfactorily explained. As to the points which have come to your Honor's knowledge and which you were pleased to communicate to me thro' Sir Richard Plasket's letter of the 22nd December 1826, your Honor has already done me the justice to say that you are perfectly satisfied with the explanations offered on those points, with the exception of the 3rd charge, as to certain work performed on my farm by a detachment of Commando Hottentots. I regret that anything has appeared objectionable in that measure, but I trust that your Honor is satisfied that said work was performed voluntarily, and that the money paid for their rations amounted to more than I would have had to pay wages agreeably to the rate at which Hottentots were then usually hired in my District.

If there are any other charges with which I have not yet been made acquainted, I respectfully and earnestly beg that they be no longer withheld. In the course of an uninterrupted Civil Service of *twenty-one years*, as Chief Magistrate of one of the most extensive and distant (long the most agitated and troublesome) districts in this Colony, the greater part of that period holding a high Military Command, for considerable periods the supreme command of the whole Frontier, at periods, too, the most arduous and trying that have ever fallen to the lot of any Local Magistrate or Military Officer in this Settlement.

In such circumstances I must have been more than human if I had never erred, had never committed one act, in appearance at least, in the slightest degree reprehensible. But be that as it may, I desire nothing more earnestly than that my

every act as a magistrate or as an officer, from the day I first set foot in this Colony till now, may be investigated. However often I may have erred in judgment, I feel perfectly confident that not the slightest imputation of wilful oppression, or undue exercise of that authority with which Government was pleased to invest me, can attach to me. In fine, if guilty let me suffer, if innocent let me be declared so and protected from further vexation as to matters which I venture to think should have long since been buried in oblivion. I will candidly admit to your Honor that altho' I have hitherto greatly suppressed my feelings, my spirits and health have materially suffered from the cruel treatment to which I have alluded, and (altho' it might be now prudent to do so) I will not conceal that I have long entertained a suspicion that His Majesty's Commissioners have viewed my measures with very prejudiced eyes, and which a late communication from Mr. Bigge tends to confirm, a communication by the bye as to an event of 13 or 14 years old, which on my return to Uitenhage I can satisfactorily explain ; but if not, the late Colonel Graham, not I, was the individual to whom the queries would apply. Under such circumstances I would most willingly retire from Public Life, but have not yet made due provision for a pretty numerous family. An uninterrupted service such as I have alluded to, of upwards of 21 years, if not attended with misconduct deserving of dismissal, should, I hope, entitle me to a pension, or an allowance from Government commensurate to my rank and length of service. If from your Honor's favorable representation and recommendation to the Colonial Office Earl Bathurst would be pleased to obtain for me such allowance, I would immediately on its being secured to me resign my Civil Situation.

But I entreat that your Honor will clearly understand, that this proposal is made on the faith of my being completely exonerated from any charge of public delinquency.

I have &c.

(Signed). J. G. CUYLER.

Major General Bourke.

[Enclosure 2 in the above.]

Memorandum in reference to the Lands granted to **LIEUTENANT COLONEL CUYLER.**

Fo. 1. Doornkraal, was a Loan place belonging to Jan Booyzen, purchased by me and converted into perpetual Quit Rent, with an extension of 1786 morgen granted to me by His Excellency Sir John Cradock at an amount of rent of rixdollars 125.

Fo. 2. Brakkefontyn. This place I got in exchange from Stephanus Ferreira for a grazing place previously ceded to me by Colonel Collins, and is the same place memorialled for and recommended thro' Colonel Graham as referred to in my letter to Lord C. H. Somerset of the 18th February 1825, and granted by Sir John Cradock at an annual rent of 125 Rds. In consequence of the unhealthiness of this place, particularly for sheep, having lost a considerable flock, I sold it to J. H. Scheepers.

Fo. 19. An Erfpacht piece of land situated within the present Residency of Port Elizabeth, purchased by me from the Widow J. P. Hartman, to whom it had been granted, and paying an annual rent of rixdollars 9 and 36 stivers.

Fo. 54. A piece of land 3,999 morgen. This place is situated below the joint place of Maré and Von Buchenroder on the Zwartkops River, which has been the subject of so much inquiry and constituted one of the charges mentioned in the Memorandum enclosed in the letter of the Secretary to Government of the 22nd December 1826, and which I trust has been fully explained in my letter to Lord Charles Somerset of the 18th February 1825, granted by Lord Charles Somerset at the rent of 50 rixdollars per annum.

Fo. 256. A grazing farm of 2000 morgen situated on the Sunday's River, which I think I applied for, was surveyed and reported upon during the presence of Lord Charles Somerset, and subsequently granted by Sir Rufane Donkin, at an annual rent of Rixdollars 63, first ten years free, as other places similarly situated.

Fo. 277. A grazing farm of 2639 morgen situated on the

Eland's River, I believe applied for and granted as above at an annual rent of 20 rixdollars.

Fo. 351. A piece of 1557 morgen. This is an additional plot of ground situated annexed to 256, having no water upon it, and depending upon the adjoining place for watering the cattle, granted I think by Sir R. Donkin at an annual rent of Rixdollars 15.

F. 432. A piece of land of 1043 morgen, situated annexed on the E. side of the place Doornkraal, which is the half of a surplus piece of waste land without any water upon it, between the place of my neighbour Mr. Isaac Niekerk, and my place Doornkraal, jointly memorialled for by us, and each obtaining the half nearest our respective places; my portion was granted at an annual rent of rixdollars 9. All of these farms are occupied, and have people living on them.

Cape Town, 29th January 1827.

(Signed) J. G. CUYLER.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, 3rd February 1827.

MY LORD,—I have the honor to inform your Lordship that no augmentation has been made to the Civil Establishment of this Government during the last quarter. As usual however at the expiration of every three months I have to transmit to your Lordship a list which is now enclosed pro forma only. At the same time I have to acquaint your Lordship that repeated applications having been made to me by the Registrar and Guardian of Slaves for additional assistance in his office, and having upon inquiry found cause to believe that those representations were correct, I have been obliged to authorise the employment of an extra clerk to be paid at the rate of £80 per annum, as an unfixed contingency, and I have to request your Lordship's sanction for placing this clerk on the fixed establishment of the Office, as I am quite satisfied it requires and will continue to require this augmentation.

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In like manner, in consequence of increased business at the Vendue Office, I have been obliged to allow the temporary employment of a teller at £45 per annum. The business however of this Department being of a fluctuating nature, I conceive it may be as well to continue this charge for the present as an unfixed contingency.

In my despatch of the 7th September 1826 (No. 67) I had the honor to inform your Lordship that the Superintendent of Police had frequently applied to me for an additional clerk, and that I had referred his application to the Commissioners of Inquiry, from whom I had received no official communication in reply, but I learnt subsequently from Mr. Bigge that some proposed changes in the Department would probably render an additional clerk unnecessary. In the meantime however I have been obliged to allow of the employment of one extra at the rate of £45 per annum. I am satisfied that unless the duties of the office are considerably diminished by the proposed change, that this additional clerk will not only be required permanently, but ought to be a very capable person, and I have therefore to request your Lordship's permission to place him on the fixed establishment at £80 per annum, if your Lordship is not aware (from circumstances with which I am unacquainted) that the business of the Department is likely to be curtailed. At present the Superintendent of the Police is kept too much at his Office, and the inspection of the convicts and prisons is not so frequent as I could wish.

Your Lordship having in your dispatch of the 23rd April last (No. 266) approved of the re-appointment of the Supreme Medical Committee, and application for salary having been made to me by the Members, I directed that which used to be paid to Dr. James Barry, when acting singly, to be divided amongst the five Members, which amounted to £45 per annum each. The situation being considered honorary, and held with other employments, I conceived this allowance to be sufficient.

The President has since resigned, and four Members now form the Board. I conceive three would be sufficient, and would propose to your Lordship to reduce it accordingly, allowing each member £75 per annum, but that I understand the Commissioners of Inquiry have reported on the Office, and some changes may be expected.

Dr. James Barry having resigned his employment in the Vaccine Institution at the same time with that of Supreme Medical Director, it has not been found necessary to fill it up, the Surgeon who remained in Office being equal to the duty, and an expense of £90 per annum is thus saved.

I have, &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to R. W. HAY, ESQRE.

GOVERNMENT HOUSE, CAPE TOWN, *February 3rd 1827.*

MY DEAR SIR,—The arrival of a mail the day before yesterday put me in possession of your letters of the 30th and 31st October last and of Lord Bathurst's despatches to the same date. H.M.'s ship *Slaney* being about to sail this day I have only time to say in reply to your complaint of insufficient topographical information, that in point of fact we are not much better off here, and there is now no prospect of our wants being supplied, as the survey of the Colony has been discontinued without a hope as it should seem of its being renewed. And yet a survey of the boundary line is most desirable on many accounts, and almost indispensable for the satisfactory adjustment of the Slave labour clause as now directed by Earl Bathurst. I quite agree as to the observation in your letter that the territory on the left bank of the Great Fish River ought not to be called *neutral*, if in point of fact it has been, and is to be considered as ceded, but the former is the appellation by which it is universally recognized in the Colony, but to which Lord C. Somerset's despatch of the 15th October 1819 gives no title, as the word *ceded* is used throughout. I know not who first introduced the term *neutral*, which has certainly led to some misconception.

You will be glad to learn that we continue tolerably quiet here, and have been getting in a better harvest than has been for some years usual. Still I doubt whether we shall get thro'

the year without requiring an importation of wheat, and in the present state of the corn laws the merchants will not import without some assurance that they shall not find the ports shut on the arrival of their grain. I suspect that before this reaches you, so much will have been said upon Corn Laws that you will be indisposed to consider the Cape Farmers or Consumers ; it is however very desirable that the Corn Laws here should be established upon correct principles.

The wine continues at a very low price, tho' something improved since I wrote last. It is now about £3 10s. per pipe. Wool is very low, the best merino not bringing more than 9d. per lb. Public credit continues very low, and estates are but too frequently surrendered to the Sequestrator to be liquidated as it is called, but in fact to be totally lost to the ancient proprietor. The Sequestrator has stated that for the last month four or five estates have come in weekly to his office. In such a state as this taxes cannot be easily collected, and the Land Revenue and Commando Taxes are much in arrear. Still I hope to be able to carry on the current services for six months longer by pursuing the same course of strict economy and availing myself of those resources which I have already detailed to Lord Bathurst. It is a great disappointment to me to find that I am not to expect the Regiment for some months, as the monthly demands of the Cape Infantry are sometimes perplexing. I daresay you are sometimes surprized at the importance which I appear to attach to small sums, but when it is considered that the whole Income of this vast Colony is little more than £100,000 per annum, it will be admitted that it requires to be managed more as a private estate than as a possession of the Crown.

Mr. Bigge is still here, and still transacting some business. I am afraid that conflicting opinions on financial measures may give you some trouble in Downing Street. I think however that by proceeding cautiously and with management that the affairs of the Colony may be retrieved, and public confidence re-established ; but I am satisfied the imposition of an encreased taxation would ruin the Colony. The hope which was formerly so high in the breasts of the Colonists of some extensive and immediate good to result from the labor of the Commissioners is now much lowered, and I believe they will be satisfied to

receive such remedies as their case will admit of from the hands of His Majesty's Ministers.

Lord Bathurst's Circular letter of the 26th September last with the half-yearly tables have just come out. I think from a cursory inspection that these are well arranged for procuring the information that ought always to be brought before the Secretary of State for the Colonies, and that their introduction will be a decided improvement to Colonial correspondence.

Mr. Reveley, the new Civil Engineer, has just reported upon the expense of a new stone jetty which is so much required in this bay. He makes it amount to above £22,000, and requires the aid of 300 convicts for three years. This is quite beyond our means, and I must immediately direct the thorough repair of the old wooden one, which will in itself be an expensive work; but it is absolutely necessary and must if possible be completed before the winter sets in.

Our Dutch Judges have begun upon the year 1827, which they never calculated upon. I have so often mentioned the English Procurator Fiscal or Attorney General that I fear to tire by repeating to what difficulty the person in charge of such a Colony as this is placed whilst wanting a competent legal adviser. I have &c.

(Signed) RICH'D. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MR. D. P. FRANCIS.

DOWNING STREET, 3 *February* 1827.

SIR,—I am directed by the Earl Bathurst to acknowledge the receipt of your Memorial, under date of the Instant, in which you submit to his Lordship a proposal for conveying to the Cape of Good Hope a party of Mechanics and Labourers, who may be desirous of emigrating to that Colony, and I am to acquaint you in reply that it is not in his Lordship's intention at present to take any steps for encouraging Emigration to the Cape. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.*CAPE TOWN, *February 3rd 1827.*

MY DEAR SIR,—Since my letters to you of the 21st and 22nd ultimo, I have been very unwell, and have gone through a regular series of bleeding, blistering and rubbing in mercury, and I expect my doctor out here presently to bleed me again. I had therefore not intended to have written to you by the present opportunity, but having yesterday received your letters of the 19th and 30th October, I have determined to send a few lines in reply.

From the contents of Mr. Hill's Memorandum I fear I have not explained myself to you. I did not wish to add to the Paper Currency, but I understood that it was the intention of the Treasury gradually to withdraw the old Paper Currency, and to get rid of rixdollars altogether, and my proposed supply of gold and sterling notes payable in England was meant as a substitute for the old Paper Currency. I stated in my letter that any arrangement would depend upon the decision of the Treasury as to the quantity of old paper money they withdrew. I did not wish the £20,000 in notes to be issued in addition to the old rixdollar notes, and to establish sterling paper as well as sterling money. The debentures I recommended, first because they are of very great convenience and will act as circulating medium and therefore allow us to keep down the paper currency, and 2nd as the only means we have of paying for the public buildings so long as our finances are depressed and that you will not assist us from home. It would in fact prevent us from drawing in the Capital from the Bank, we should keep that at six per cent, and give five for debentures, and thus accommodate all parties.

It is very true I stated that the loans from the Bank had in my opinion tended to ruin the inhabitants, but that was because neither prudence nor discretion were exercised in lending the money. Any speculator or spendthrift getting a couple of others to stand security for him got loans, and was thus enabled to live on borrowed capital, without a thought of repayment. The bank books will shew this but too plainly.

It is with the greatest difficulty we can collect the interest. The Banks are in the constant habit of getting writs of execution. For the last eighteen months, since Mr. Hewetson's appointment as one of the members (I having asked Lord Charles to put him in to keep things right and strict), they have been much more cautious both as to the quality of the security and to the views of the parties applying for a loan.

We have been desired to keep all our accounts in sterling, and we do so ; but this can never take proper effect so long as the rixdollar notes remain so generally current ; and I had hoped we were to have got rid gradually of the old paper currency altogether, so much so that we have never issued new notes in exchange for old, but have changed the old notes for the good ones taken in by the Commissariat.

Whatever may be the requisite amount of circulating medium for the Colony, I know well that in Albany there is not a note to be seen, and they are beginning again privately to issue "good fors." This however is only local, and I am aware also that silver is exported as a remittance to save the three per cent on Commissariat bills, which is looked upon as a great hardship here.

I will however write to you more fully upon this important question when I have ascertained the late operations of the Commissariat.

As to the division of the Colony into two distinct governments, my objection is certainly principally to the expence. I fully approve of the appointment of a Lieutenant Governor, who should have a superintending control over the Eastern Districts, but an entire, separate Government, Council, &c., would cause a great expence, which I think might be better employed in procuring good magistrates or judges in each district, to be made entirely independent of the Landdrosts. If a separate Government be established, and the Districts of Graaff Reinet, Albany, Somerset, Uitenhage, and George be included, we shall become very minor poets in this part of the Colony, and may well be reduced to half pay, indeed it will be necessary so to do to keep up the other and by far more important part of the Colony in point of management, as it includes the Frontier policy and system.

You say very truly that it will be difficult to regenerate us

summarily. I could suggest one mode, though it is rather a sharp one, viz. to remove every man *who had been five years in the Colony* and had got inoculated with the loose system which has been so many years in operation here. I will, however, draw your attention to the most important points.

First. To send out a new Court of Justice which will not allow of any interference on the part of the Executive or Legislative Government, together with a new Attorney General who will introduce English practice as far as is consistent with Dutch law.

Second. To new-model the Civil Service, cutting off the sinecurists and paying well those who remain, but insisting on their attending office and not allowing their clerks to act for them.

Third. By appointing judicial Magistrates in each District entirely independent of the Landdrosts, who would then get rid of the detail of judicial business, and be enabled to look after the general interests of their districts, and to economy in the management thereof. These magistrates to hold no land in their own hands.

Fourth. By knocking up the District Chests and having only one general Colonial Treasury, and by not allowing any Landdrost of a District to spend one shilling without authority.

Fifth. By appointing a Commissioner of Land Revenue with a superintendence over all the Grants of Land and the Revenue thereof, according to a plan which I have already recommended through the Lieutenant Governor to His Majesty's Commissioners of Inquiry.

Sixth. By instituting some kind of Apprentice laws under which all contracted Hottentots or Natives whom we may allow to enter the Colony from beyond the Boundaries, in the service of the Farmers, may be regulated and controlled.

I say nothing about Finance, as my head is by no means clear enough to point out any mode of getting out of our difficulties on that head. I trust the Commissioners may be more successful. I remain &c.

(Signed) RICHARD PLASKET.

Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, *February 3rd* 1827.

MY DEAR SIR,—You will receive by this opportunity a Petition to the King in Council on the subject of the Slave Ordinance. It is a very poor production, and I think the Report of the Guardian of Slaves for the last six months, which you will also get by His Majesty's ship *Slaney*, will prove a sufficient answer to most of the points contained therein. It is drawn up by a Committee, many of whom are English Merchants totally unconnected with the question of Slavery, and they have consequently managed to introduce a sly hint at the want of faith in the Government about the Currency Question.

A Slave Committee was also formed in the District of Graaff Reinet, but their views were too liberal for the Cape Town Committee, and they refused to publish their resolutions, and I fear have had influence enough to silence their more liberal intentions.

There is also another Petition to Parliament drawn up I understand by the Editor of Mr. Greig's Paper, and signed by about 900 Individuals, mostly British. They ask for a Representative Assembly, Trial by Jury, &c. This Petition was lying in the Commercial Rooms for signature, and was puffed up by Mr. Greig in all his papers, and I thought it rather remarkable that Mr. Bigge should go down to the Commercial Rooms with one or two Merchants expressly to read it, and he there stated his surprise that there were not more English signatures to it, and also expressed himself as friendly to it, or at all events that he saw, as Commissioner of Inquiry, no objection to it. Whatever Mr. Bigge's motives for so doing might be I know not, but it had the effect naturally to be expected. It produced a notice in Mr. Greig's Paper from authority that His Majesty's Commissioners were far from objecting to the contents of the Petition; and the Landdrost of Albany has written to me to state that when the Petition was sent up there for signature, it was accompanied with a statement that the contents met with the approbation of the Commissioners of Inquiry, and the report in the District was

that Mr. Bigge had drawn it up. By these means they obtained the signature of most of the Albany Residents.

I have &c.

(Signed) RICHARD PLASKET.

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 3rd February 1827.

SIR,—I have the honor to transmit to you a continuation of the Report of my colleagues and myself upon the civil condition of the inhabitants of the Colony, the nature of the Civil Process to which they are liable, the costs of the Judicial Proceedings, the laws of property and transfer, the registration of Deeds, and the laws of bankruptcy and insolvency. It is my intention to transmit by the next opportunity which will occur in the course of a very few days our report upon the Orphan Chamber, an Institution for the management of estates of orphan and absent heirs, which will complete the section which we had the honor to transmit on the 26th October entitled “the Laws and Courts of Justice.” I have &c.

(Signed) JOHN THOMAS BIGGE.

[Copy.]

Letter from MR. ISAAC STROMBOM to the LORDS COMMISSIONERS OF THE TREASURY.

NO. 65 OLD BROAD STREET, 3rd February 1827.

MY LORDS,—After having been honored by direction of the Right Honorable Earl Bathurst with a letter from Mr. Secretary Hay under the 28th of July 1825, informing me that notwithstanding the decision your Lordships had already come with respect to my case, his Lordship had directed the additional statement of the 2nd of June should be forwarded for your

Lordships' consideration; having anxiously been awaiting in the hope that your Lordships would have, upon consideration, if not only the losses I had suffered in promoting His Majesty's Service, in executing the request and wishes of His Majesty's representatives according to the best of my abilities; but, also thereby benefited His Majesty's Government, and Great Britain, in a much greater degree! but fearing that owing probably to many persons making claims without any real cause, your Lordships might partly doubt and suppose my own equally so, particularly as owing to different accidents and the length of time, with the death of several who otherwise would have substantiated everything I have represented, I have not only in addition to my statement and documents addressed to the Right Honorable the Earl Bathurst taken the liberty on the 17th of January addressing the Right Honorable Lord Viscount Melville, as per enclosed copy, but also on the 30th following made an affidavit before the Right Honorable Lord Mayor, which I hereby beg leave to annex, and to which I humbly solicit your Lordships' kind attention, and trust although the services rendered and consequent losses were *anterior* to your Lordships' administration, still *His Majesty's Government and the country have reaped the benefit*, surely your Lordships' *justice* will no doubt dictate that though (as at that time a *stranger to the particular customs and official regulations of Great Britain*,) I may have been imprudent in not insisting on positive written documents, particularly in regard to the *Eliza*, owing to the great confidence usually placed in all verbal declarations by a Commander in Chief or any Governor of any of His Majesty's Colonies, still more when *evident* it being required *solely for the public good*, and trusting the several circumstantial evidences and documents *proving it must be facts* and that the losses I have suffered were totally out of a sincere (and permit me my Lords to add even enthusiastic) attachment and wish to forward His Majesty's Service, at a time when it also was useful, and the example set, both stimulated others, as well as it kept in check those who were inimical to His Majesty's Government.

And should your Lordship think proper to cause enquiries to be made regarding my loyalty and strong attachment to His Majesty's Government, having had the honor of personal

acquaintance with (I even entertained as occasional guests) the most noble Marquis of Wellesley and the Right Honorable Mr. Henry Wellesley, General Sir Henry Torrens and Sir Thomas Baring, and even His Grace the Duke of Wellington when Lieutenant Colonel of His Majesty's 33rd Regiment, during their temporary stay at the Cape; I have the fullest confidence they will all as far as their recollections permit, as well as every Governor and Commanding Officers from the taking of the Cape in 1795 until my departure January 1812, give every satisfactory evidence, and as I also hope fully corroborated by the annexed abstract of letters received during the same period and almost up to the present, from several highly respectable characters.

I therefore humbly hope for your Lordships' early favorable decision, or at least through provisionally ordering the amount of the duties on the 22,000 gallons wine and spirits to be made good to me according to the rate since established by Parliament in 1812 and 13, and such further gratuity partly as compensation for losses as remuneration for services, as well as the losses by the Cape Currency, as your Lordships' wisdom, justice, and generosity may deem proper, and I hope may enable me and my family again to enter into that state of society and those comforts formerly accustomed to, and *which my situation before the taking of the Cape*, and I trust my actions thro' life, entitles me, but from which we have been deprived these late years, *without any fault* but totally occasioned by a strong confidence in His Majesty's Government and its representatives, and still venture to flatter myself will be shewn by your Lordships' final arrangements that I may not have cause *in my latter days* of repenting of having misplaced!

Soliciting your Lordships will pardon should I for want of legal and other assistance, which my *present* pecuniary situation does not admit of, have any ways in my addresses to your Lordships deviated from established rules, your Lordships will kindly not attribute it to any intentional disrespect, but on the contrary do me the justice to believe that notwithstanding my very severe losses, I have &c.

(Signed) I. STROMBOM.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, *5th February 1827.*

SIR,—I am directed by Earl Bathurst to introduce to your notice and protection Captain Mainwaring of the Royal Artillery, who will have the honor to deliver this letter to you.

As this Officer has proceeded to the Cape of Good Hope on Military duty, and will probably be stationed there some time, his Lordship will be glad if you have any opportunity of shewing him some civility. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to SIR HERBERT TAYLOR.

DOWNING STREET, *5th February 1827.*

MY DEAR TAYLOR,—In reply to your letter of the 1st instant, I beg leave to acquaint you that the reduction of the Cape Corps is dependant on the arrival at the Cape of the Regiment intended to relieve it; and with the prospect of reduction, Lord Bathurst would not consider it expedient to fill up the Commissions in the Corps. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the RIGHT REVEREND
DR. POYNTER.*

DOWNING STREET, *5th February 1827.*

SIR,—I have the honor to acknowledge the receipt of your letter of the 1st Instant, and I am directed by Earl Bathurst to acquaint you in reply, that the Commissioners of the Navy

have been directed to provide a passage for Mr. Rishton to the Cape of Good Hope, and upon application at the Navy Office Mr. Rishton will receive every information upon the subject. I am to add that his Lordship regrets that it will not be in his power to direct any advance of Salary to be made to Mr. Rishton.

I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from the REVEREND JOHN CASSIE *to* EARL BATHURST.

CARMYLIE, 5th February 1827.

MY LORD,—I have the honor of sending you agreeably to Dr. Manuel's directions the enclosed documents. The Oath of Allegiance was taken about three years ago, when a proposal was made to me of going out to the Cape, but the vacancy was filled up before I gave in my acceptance. I am &c.

(Signed) JOHN CASSIE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., *to* MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, 6th February 1827.

SIR,—This letter will be presented to you by the Reverend Mr. Ballot, who has been recommended to Earl Bathurst by Governor Lord Charles Somerset as a proper person to be appointed to the vacant living of George; and it is Earl Bathurst's desire that Mr. Ballot may be appointed to that living accordingly.

His Lordship had already taken measures for engaging two Ministers of the Scottish Church to proceed to the Colony; but as the Governor has stated that Clergymen are required for the churches of Caledon, Clanwilliam and Tygerberg, the

appointment of Mr. Ballot can in no degree interfere with the arrangements which have been adopted in conformity with your recommendation. I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from J. T. BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 6th February 1827.

SIR,—Having received from my colleague Major Colebrooke on the 2nd instant your letter of the 13th July 1826, marked secret and confidential, and communicating the wish of Earl Bathurst to be furnished with an explanation of a passage in the letter that we had the honor to transmit to his Lordship on the 17th July 1826, I have lost no time in complying with it, and I now beg leave to submit for his Lordship's information the result of my colleague's recollection and my own of the particular point upon which it seems that explanation is desired.

After as careful a view of the circumstances that attended the dispute between Lord Charles Somerset and Dr. Barry, as the length of time that has elapsed will permit us to take, we perfectly agree in thinking that the opinion which we expressed upon more than one occasion respecting the propriety of Dr. Barry being permitted to draw up and sign another statement, if he should not be able to confirm that which he had inadvertently signed, may have arisen out of conversations which took place subsequent to the 6th of May 1825 and to the delivery of the second statement, which we always understood was intended by Dr. Barry to be substituted for the first. In the course of these conversations it was contended by Dr. Barry that he had a right to have the first paper cancelled, while on the other hand Lord Charles Somerset alledged his firm conviction of its containing a correct representation of the words that had been made use of by Dr. Barry in describing the expressions of Colonel Bird. I think that we are fully justified in making this statement, and I now recollect that Dr. Barry intimated upon some or one of these occasions that he should

feel satisfied if the paper (meaning that which he had inadvertently signed) should be delivered up either to Major Colebrooke or myself for the purpose of being destroyed. I am induced to conclude from these circumstances as well as from the shortness of the interval which took place between the period of signing the first statement and that of delivering the second, that we were incorrect in the belief that we expressed in our letter of the 17th February 1826, of our having received from Lord Charles Somerset a representation of Dr. Barry's reluctance to sanction the statement he had made, previous to the dispute that took place between them at Newlands.

Conceiving that these are the points to which it was the wish of Earl Bathurst that our attention should be drawn, and trusting that this explanation will be found satisfactory,

I have &c.

(Signed) JOHN THOMAS BIGGE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, 7th February 1827.

SIR,—You are aware that Earl Bathurst had some time since authorized the Reverend Dr. Poynter to select two Roman Catholic Priests who might be willing to proceed to the Cape of Good Hope for the purpose of undertaking the religious instruction of the Roman Catholic Community in that Colony, and that to each of those Priests it was agreed that an annual allowance of One hundred Pounds should be paid during their residence in the Colony.

In conformity with that arrangement the Reverend Mr. Wagener has already proceeded to the Cape, and I am now directed by Earl Bathurst to acquaint you that he will shortly be joined by the Reverend Mr. Rishton, to whom you will be prepared to direct that an allowance of one hundred Pounds per annum shall be paid, to commence from the date of his arrival in the Colony. I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from T. P. COURTENAY, ESQRE., to R. W. HAY, ESQRE.

ABINGDON STREET, *February 7th* 1827.

SIR,—In reference to your letter of the 31st of July last, which did not reach me in time for being complied with, with a view to the sowing season of last year, I have to request that you will acquaint Earl Bathurst that I have received the enclosed communication from Major General Bourke, on the subject of seed wheat required for the Cape of Good Hope. I have, therefore, now to solicit Lord Bathurst's further directions, especially in reference to a suggestion of the Lieutenant Governor in regard to assistance from the Lords Commissioners of the Treasury.

It appears to me that the shipment of whatever quantity of seed Lord Bathurst may desire to be sent, should now take place without delay. I have &c.

(Signed) T. P. COURTENAY.

[Office Copy.]

Letter from EARL BATHURST to MAJOR-GENERAL BOURKE.

DOWNING STREET, LONDON, *8th February* 1827.

SIR,—I have to acknowledge the receipt of your despatch No. 76 of the 13th of September last, with a Memorial and its enclosures from Messrs. Chiappini and Company in which they pray that the Government will make good to them the amount of a pecuniary loss which they have sustained through the insolvency of a Vendue Master; and I enclose to you a copy of a communication which my Under Secretary of State has received from Governor Lord Charles Somerset whom I have thought proper to consult upon this subject.

I concur in opinion with His Excellency that the Colonial Government is clearly responsible to the Public for the proceeds of sales effected through the instrumentality of the Vendue. It is not stated, and it may not be very material to ascertain,

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upon what grounds the Fiscal has expressed a contrary opinion, as no law would be necessary to establish the responsibility of the Government on that head. I have only, therefore, to invite your attention to the Governor's observations on the unsatisfactory nature of the reasons which have been assigned for holding the Vendue Master's Bond of Security to be invalid. But if the invalidity of the Bond should be maintained by a Judicial Sentence, there will be no alternative to adopt but to settle the claim of the Memorialist according to the dictates of justice. I am &c.

(Signed) BATHURST.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the COMMISSIONERS OF THE NAVY.

DOWNING STREET, 8 *February* 1827.

GENTLEMEN,—I have received the directions of Earl Bathurst to desire that you will provide a Cabin passage with board to the Cape for the Reverend Mr. Ballot. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to CAPTAIN MAINWARING, R.N.

DOWNING STREET, 8 *February* 1827.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 29th of November last and to transmit to you enclosed a letter of Introduction to Major General Bourke; but I am at the same time to apprise you that his Lordship cannot hold out any hope to you that it will be in his power to promote your views of obtaining employment at the Cape. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from MR. ISAAC STROMBOM to EARL BATHURST.

No. 65 OLD BROAD STREET, 8th February 1827.

MY LORD,—After I had done myself the honor of addressing your Lordship on the 16th November and been honored with your Lordship's reply, through Mr. Secretary Hay on the 21st, having conceived necessary for reason stated therein, to address the Right Honorable Lord Viscount Melville on the 17th of January, and to make an affidavit before the Right Honorable Lord Mayor on the 30th, in support of the several facts, and together with other documents, taken the liberty of laying the same before the Right Honorable Lords Commissioners of His Majesty's Treasury, as per letter under 3rd instant for their Lordships' early kind consideration; and of which several documents I now also have the honor of enclosing copies for your Lordship's information, as well as humbly to request, as in my first addresses under the 11th March 1825. was while only resting principally upon memory several facts were not only withheld, but others instead of exaggerated some losses stated at much below from what on mature reflection and recourse to several papers afterwards found, as well as in regard to the currency, fully corroborated by certified copies of the Public Records at the Cape, your Lordship will have the goodness to consider the same in whatever connected with His Majesty's Colonial Department as if addressed also to your Lordship, particularly having in the first instance supposed every transaction happening in any of His Majesty's Colonies were under your Lordship's direction, (as I believe during part of the late Right Honorable Mr. Dundas's administration in regard to His Majesty's Navy was the case), but as since some alterations seem to be made I trust at least in whatever still continues under your Lordship's administration your Lordship will as his successor in that department, kindly in his stead offer your Lordship's support, while I firmly trust that the several documents in addition to those laid already before your Lordship, transmitted and referred to the Right Honorable Lord Viscount Melville and

the Right Honorable the Lords Commissioners of His Majesty's Treasury, will be not only sufficient circumstantial, if not direct evidence, to prove whatever I have stated to be correct ; but also convinced that, if necessary, could prove to the satisfaction of every unbiassed honorable mind, that the *motives* for delaying so long addressing His Majesty's Government though greatly prejudicial to my own interests, were *laudable*, as well as that of not having laid several other matters by which even in some instances infringing both the Colonial Laws and the Navigation Act, and otherwise I suffered Colonial losses between £10 to 15,000, but which several circumstances, and my unwillingness to trouble your Lordship and His Majesty's Government with voluminous papers (brought with me from the Cape already in 1812) as well as my personal esteem for the Governors at the time while convinced that they were *misled* by envious intriguing and unprincipled characters and not by any personal ill-will towards myself, and which I am confident they afterwards regretted and even seen their error ; but which I unwillingly should wish to expose for fear of any-ways detracting from their otherwise most honorable characters and therefore would wish to avoid, and rather be contented with a moderate compensation than laying the particulars *officially* before your Lordship, though should your Lordship wish and permit me, I would, confidentially, at any time be ready to prove it, I hope to your Lordship's satisfaction.

I have &c.

(Signed) I. STROMBOM.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 10 *February* 1827.

SIR,—I have laid before Earl Bathurst your letter of the 7th instant covering a communication from Major-General Bourke on the subject of Seed Wheat required for the Cape

of Good Hope ; and I am directed to acquaint you in reply, that it is impossible for his Lordship to entertain requisitions of so general a description as that contained in Major-General Bourke's letter ; and it will be advisable that you should acquaint the Major General with the necessity which exists for your being hereafter furnished with a precise explanation of the quantity and quality of such Articles as may be required for the use of the Colony.

With a view however to prevent any inconvenience which might arise from delay, his Lordship has desired me to convey to you his authority for providing the same quantity of seed wheat which you were directed to furnish last year ; and in forwarding it to the Cape his Lordship is of opinion that it may be proper that you should conform with the suggestions contained in Major-General Bourke's letter, to have the corn sent direct to Port Elizabeth if possible. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from the Navy Board to R. W. HAY, ESQRE.

NAVY OFFICE, 12th February 1827.

SIR,—In answer to your letter of the 8th instant, we acquaint you, for the information of Earl Bathurst, that the Reverend Mr. Ballot can be accommodated with a passage to the Cape of Good Hope on board the *Olive Branch*, 217 tons, and he may embark at Deptford in about a week. We are &c.

(Signed) H. LEGGE,
ROBERT G. MIDDLETON,
S. BOYLE.

[Office Copy.]

*Letter from R. W. HAY, ESQRE., to the RIGHT REVEREND
DR. POYNTER.*

DOWNING STREET, 13 *February* 1827.

SIR,—With reference to my letter of the 5th instant I have received Earl Bathurst's directions to acquaint you that a passage to the Cape of Good Hope has been provided for the Reverend Mr. Rishton in the *Olive Branch*, and he will be expected to embark on board that Vessel at Deptford in about a week from this date. I have &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the REVEREND MR. BALLOT.

DOWNING STREET, 13th *February* 1827.

SIR,—I am directed by Earl Bathurst to acquaint you that a passage to the Cape of Good Hope has been provided for you on board the *Olive Branch*, and you will be expected to embark in that Vessel at Deptford in about a week from this date.

I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to MAJOR CAMERON.

DOWNING STREET, 14th *February* 1827.

SIR,—I have received Earl Bathurst's directions to acknowledge the receipt of your Memorial, upon the subject of which I am desired to suggest that it would be more proper to address yourself to the Lords Commissioners of His Majesty's Treasury, to whom your memorial has been transmitted. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from JAMES STEPHEN, JUNIOR, ESQRE., *to* R. W. HAY, ESQRE.

WHITEHALL, *February 14th 1827.*

MY DEAR SIR,—I have had a visit from Lord Charles Somerset this morning which lasted three good hours. His Lordship is exceedingly anxious that Lord Bathurst's attention should be drawn to the fact that D'Escury laid before the Commissioners a paper which contained the following (I should rather say the enclosed) extract. You will perceive that it is a direct accusation of corrupt conduct in his judicial office with reference to the sale of the dead Horse to Durr. This charge has been fully refuted, as far at least as the inquiries of the Commissioners go. Lord Charles Somerset is most anxious that some censure should be passed on his accuser, and of course wishes that he should be dismissed from office. I promised to bring the matter under your notice, which promise I now perform.

I am &c.

(Signed) JAMES STEPHEN, JUNIOR.

(For the enclosure see Mr. D'Escury's correspondence.)

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE., *to* R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, *14th February 1827.*

SIR,—I have the honor to transmit to you a report upon the administration and present state of the Orphan Chamber, which forms the concluding part of the section entitled "the Laws and Courts of Justice," a continuation of which was transmitted by His Majesty's Ship *Slaney* on the 3rd inst.

I have also taken the opportunity of enclosing the evidence and documents which we have taken and compiled upon this subject, with the exception of the annexures to the Treatise

furnished by the President and Members of the Orphan Chamber, and to which you will find that frequent reference is made in the Report, but which I detain with a view to undertake a revisal of the instructions.

I have also added a few documents relating to the office of the Sequestrator, to which an early reference may be considered desirable on a perusal of our Report on that subject.

I beg leave at the same time to apprise you that the documents described in the margin (S. No. 24, S. No. 61) contain particulars and names of persons who stand indebted to the Orphan Chamber, and which it may not be adviseable to publish.

It is necessary that I should here explain the reasons for the non-appearance of the names of my colleagues in this part of the Report.

A general view of the subjects and of the alteration which we deemed advisable in the Department of the Orphan Chamber had been prepared and mutually agreed upon before they left the Colony for Mauritius, but as I have found it necessary in completing the details to collect further evidence and to add to the number of documents as well as to propose a change in the appropriation of the Private Fund of the Orphan Chamber, the reasons of which had not been anticipated by my colleagues at the period of their departure, and which I have not been able to communicate to them since, I could not venture under these circumstances to avail myself of the authority of their names, altho' I felt averse to cause any further delay in the transmission of a Report the substance of which had been previously sanctioned by them. By way of remedying this defect, I propose to transmit to them the draft of the Report as it now stands, and shall request them to forward to Earl Bathurst their observations or acquiescence in it by the earliest opportunity. I have &c.

(Signed) JOHN THOMAS BIGGE.

[Enclosure 1 in the above.]

Instructions to the Sequestrator. See Vol. XXV, page 46.

[Enclosure 2 in the above.]

An alphabetical return of the various sums that have been lent and advanced by the Board of Orphan Masters, and that are not yet due, with all particulars connected therewith to the 31st of August 1825. This return is of great length, occupying fully one-third of a manuscript volume, and it seems unnecessary to give it here.—G. M. T.

[Enclosure 3 in the above.]

Statement of the Capital of the Orphan Chamber on the 31st December 1824.

The total capital is given as Rds. 2,766,531 1st. The various items that compose that sum are given, but it seems unnecessary to publish them now.—G. M. T.

[Enclosure 4 in the above.]

ORPHAN CHAMBER, *8th September* 1825.

SIR,—In compliance with your letter of the 3rd instant, I beg leave herewith to transmit to you, for the information of His Majesty's Commissioners of Inquiry, copies of the correspondence that passed between the Board of Orphan Masters and His Excellency the Governor relative to the advance of / 51,000 for the purchase of a parsonage house at Hottentots Holland. I have &c.

(Signed) J. J. L. SMUTS.

John Gregory, Esqre.,

Secretary to His Majesty's Commissioners of Inquiry.

[Enclosure 5 in above.]

SOMERSET, *1st August* 1824.

SIR,—The Vestry of Somerset take the liberty to state to you, requesting you to communicate to His Excellency the Governor, that whereas some time ago the capital of G. 51,000 for the purchase of the place of G. van Sittert has been called

in, they have used every endeavour to collect the amount of said capital, in which they have at last succeeded, Mr. J. Hoets having promised the same to them, wherefore they now solicit his Excellency's permission to borrow it ; but they feel some hesitation in doing so because they do not know in addition to the interests on other debts how they shall be able to pay this also.

It will appear to you from the hereunto annexed state of our Church that this apprehension is not without foundation, and that their situation is a pressing one, in addition to which it remains to be observed that in case the aforesaid capital cannot be raised the Vestry will then be obliged to sell the parsonage, which would expose them to the greatest inconvenience.

The Vestry have certainly no monies within their reach which they have not attempted to apply, a subscription has been opened among the members of the Congregation for the support of the Church Establishment, for which, considering the limited number consisting only of 100 members, the considerable sum of rixdollars 994 is engaged to be annually contributed, as appears from the annexed copy of the subscription list ; at our last meeting, when the finances were the principal subject under consideration, the Landdrost has promised to extend the invitation for subscribing to the same to Stellenbosch. They flatter themselves that the importance of the case will move many religious minded persons to contribute largely to the same.

Farther the vineyard and lands belonging to the parsonage have been let for the sum of rixdollars 180 per annum, because the possibility of being obliged to sell the parsonage was apprehended ; had one felt the liberty of letting it for a further term than by the year more could have been obtained, which therefore they will hereafter expect to receive when no such apprehension shall any longer exist.

So that taking the above together with the amount of the ordinary income according to the annexed state of the Church, making the amount of rixdollars 1,674, of which not taking in account unexpected circumstances which would render the raising of additional capitals necessary, an annual expenditure of rixdollars 1,000 must be deducted on that in order to pay

the interest, there remains a sum of rixdollars 674. But without taking into consideration the difficulty of collecting the several sums subscribed or in case of death the loss of the entire subscription of such individuals, this surplus as appears from the said state is not by any means sufficient to pay the annual interest, much less what would otherwise be deemable if not necessary from time to time to pay off certain portions of the debt.

It is therefore on the ground of these pressing circumstances which must increase by progress of time, and on account of the exertions made by them, that the Vestry take the liberty not only but feel themselves necessitated to solicit His Excellency's favorable interposition as their only hope of relief, and respecting which His Excellency's well known solicitude in the cause of religion leaves them no doubt, so long aught can be done to promote a full relief.

The Vestry hold themselves convinced that the favorable result of their endeavours in this instance will depend in a great measure on your co-operation, and therefore request that you will not merely place the foregoing before His Excellency but that you will give it your support. We have &c.

(Signed) J. SPYKER, Minister.

P. G. Brink, Esqre., Acting Colonial Secretary.

[Enclosure 6 in the above.]

COLONIAL OFFICE, 20th August 1824.

GENTLEMEN,—I am directed by His Excellency the Governor to transmit to you the enclosed copy of a letter from the Board of Churchwardens at Hottentots Holland, representing the inadequacy of the Church funds to pay the capital of fifty-one thousand guilders for the purchase of the parsonage at Somerset. His Excellency is induced under the pressing circumstances brought to his notice by the Churchwardens aforesaid to authorize you to make arrangements for placing at their disposal out of the fund of profit and loss of the Orphan Chamber the sum of fifty-one thousand guilders to enable them to satisfy Mr. Van Sittert for the purchase of the Parson-

age House at that place. It is not His Excellency's intention that the Church Establishment shall pay interest for this advance, but that it shall be considered as a donation in the same manner that advances have been made in other cases of ecclesiastical or charitable institutions. I have &c.

(Signed) P. G. BRINK.

The President and Members of the Orphan Chamber.

[Enclosure 7 in the above.]

ORPHAN CHAMBER, *September 13th 1824.*

MY LORD,—We have had the honor of receiving from the Acting Colonial Secretary a letter of the 20th ultimo giving cover to copy of an application from the churchwardens at Hottentots Holland representing the inadequacy of the Church funds to the payment of a capital of fifty-one thousand guilders, the purchase money of the parsonage house at Somerset, and conveying to us your Lordship's authority for placing at their disposal out of the fund of profit and loss of the Orphan Chamber, the said sum of / 51,000 to enable them to satisfy Mr. Van Sittert for the purchase of the parsonage, stating that it is not your Lordship's intention that the Church Establishment shall pay interest for this advance, but that it shall be considered as a donation in the same manner as advances have been made in other cases of ecclesiastical or charitable institutions.

Having we trust hitherto maintained the character of being foremost in cheerfully complying with the orders of Government, especially where these orders tended to the establishment or promotion of religious, charitable, or useful institutions, and conscious that we are still animated by the same disposition, we feel the less hesitation, prompted in this instance by a sense of paramount duty, to submit to your Lordship's enlightened judgment a few considerations before we avail ourselves of the authority conveyed to us in the aforesaid letter of the acting Colonial Secretary.

We humbly beg leave to submit to your Lordship that the so called fund of profit and loss of our Department is a private fund gradually created during the course of a century by a

system of wise economy in our predecessors, from the consciousness of its absolute necessity, first, in order to serve as a security to Government, to the Public, and to our Board itself, to be resorted to under circumstances where notwithstanding a proper and careful administration on the part of our Board still unavoidable losses are threatened or incurred to the property of orphans entrusted to our care, either by negligence or misconduct of the servants of the Board, (an instance of which, not to quote former instances, occurred as recently as the year 1820 with our late Agent at Uitenhage) or by a combination of other unfortunate circumstances beyond the control of human foresight or power, and secondly to be the source from which to defray the whole of the expense of our Department, in which were also formerly included the salaries of the several members and functionaries of our Board.

Considering our private fund in this light, we conceive it will be evident to your Lordship that it becomes *our* duty to be on our guard that by a too ardent wish to promote the interests of other institutions we are not led away to a disregard of the original wise and beneficial purpose for which it was instituted, and to take care that by too frequent and too considerable calls upon its support our private fund be not in the end entirely absorbed, or reduced to a state of insignificance.

We further beg leave to submit to your Lordship's notice that the aid called for in this instance does surpass by far the amount which has ever yet been granted by our Board for similar purposes, as also that the same is not intended for the erection of any new church or benevolent institution, but for the payment of a second parsonage, an expense therefore in our humble opinion not incurred on account of absolute necessity.

That at the present moment the realizing of so large a capital as the one applied for would be particularly inconvenient to the Board, besides that we lie under a tacit obligation towards the Orphan House of this Town, which benevolent Institution has since its establishment gratuitously received and educated, and still receives and educates, the destitute orphans among the wards of our Board, to afford them every pecuniary assistance which we can grant, consistent with the original institution

of our private fund. In addition to all these circumstances, we finally beg leave to submit to your Lordship that other districts whose inhabitants live at a distance of whole journeys from any church or public place of worship will gradually stand in need of pecuniary assistance for the sake of erecting churches, which seems to recommend parsimony, particularly when the purpose is to pay for a second parsonage, after a great deal of money expended for a first one, merely because this was not found so convenient; however in compliance with the favourable disposition evinced by your Lordship with regard to the prayer of the applicants, and in concordance with our own inclination, we beg leave respectfully to submit as our humble opinion that a sum of fifteen thousand guilders would be a reasonable assistance, and might be spared without any material detriment to the several interests to which we have taken the liberty to advert.

We have the honor to submit our consideration to your Excellency's better judgment, and to remain with sentiments of the highest respect, My Lord !

Your Excellency's &c.

THE BOARD OF ORPHAN MASTERS,

(Signed) J. A. TRUTER.

By order of said Board,

(Signed) J. J. L. SMUTS.

His Excellency the Right Honorable
General Lord Charles Henry Somerset.

[Enclosure 8 in the above.]

ORPHAN CHAMBER, 20th January 1825.

SIR,—Since the 13th September last, when we had the honor of submitting to His Excellency the Governor our observations relative to the application from churchwardens at Somerset for a donation of 51,000 guilders from the private fund of the Orphan Chamber, towards paying for the parsonage purchased by them, Churchwardens have renewed their appli-

cation to our Board and verbally communicated with our President on the subject, urging the extreme inconvenience to which by the non-compliance with their expectations they would be reduced. The desire to meet His Excellency's wishes in as far as lies in the power of the Board, by assisting the Churchwardens in their present difficulty has led to a second consideration of the subject, and our Board, after mature consideration, has resolved to allow to churchwardens aforesaid, besides the donation of / 15,000 already granted, a loan of the remaining / 36,000 free of interest, but repayable within ten years. This subsequent arrangement we now humbly take the liberty to submit to you, in order that you may be pleased to obtain His Excellency the Governor's sanction thereto.

We have &c.

THE BOARD OF ORPHAN MASTERS,

(Signed) J. A. TRUTER.

By order of said Board,

(Signed) J. J. L. SMUTS.

Sir R. Plasket, Secretary to Government.

[Enclosure 9 in the above.]

CALEDON, *September 21st* 1825.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter of the 10th Instant, requesting to be informed of the nature of the communication that was verbally made to me by the Churchwardens of Somerset at Hottentots Holland, on the subject of an application for a sum of 51,000 guilders to effect the purchase of the present parsonage at Somerset.

In reply I beg leave to state that the remonstrances of the Orphan Board contained in their letter of the 13th September 1824 not having received the approbation of Government, and His Excellency the Governor, under the apparent impression that without according in full to the request of the churchwardens, the church establishment at Somerset could not be continued, having expressed a wish that something

more might be done than the Board had suggested, I took upon myself to have a verbal communication with the clergyman and one of the Elders, then acting as Commissioners from the Vestry in the Synod, chiefly with a view to inquire whether the state of their Church Establishment was really so distressed as to justify the apprehension of a discontinuance of it, in case no more assistance was afforded on the part of Government than a donation of 15,000 guilders or 5,000 rix-dollars.

In the course of this communication it struck me that from the burthened state of the Church Finances, and the paucity of the members of the congregation, it could not be expected that the church would for some years to come be able to pay the interest of what was required, over and above the donation of 5,000 rixdollars, to pay the purchase money of the Parsonage; which inability to pay interest rendered it impossible for the churchwardens to contract a private loan under mortgage, for the deficiency. Under these circumstances I was induced to make the suggestion contained in the Board's letter of the 20th January 1825, after having received His Excellency's verbal approbation thereon; conceiving this to be the only means to comply with the intention of Government, without infringing the principle upon which the Board had proceeded in their letter of the 13th September 1824, to which no official reply has been received. I beg herewith to return the copies of the correspondence on the above subject transmitted for my perusal, and have the honor to be with the highest regard, Gentlemen! your most obedient &c.

(Signed) J. A. TRUTER.

His Majesty's Commissioners of Inquiry.

[Enclosures 10 to 21 in the above.]

These consist of Returns of Sentences transmitted to the Sequestrator and of evidence given by several individuals to the Commissioners of Enquiry, none of which it can be necessary to publish now.—G. M. T.

[Enclosure 22 in the foregoing.]

SEQUESTRATOR'S OFFICE, 1st *February* 1826.

GENTLEMEN,—In reply to your letter of yesterday's date, I have the honor to acquaint you that no claims have as yet been filed by Government in this office against the estate of Mr. Willis, late Vendue Master at Albany, I have only been directed by successive letters from the Chief Secretary to Government to pay in advance to different individuals named in said letters the amount of their Vendue Rolls held in conformity with the Proclamation of the 22nd April 1825, and attested as such by the Magistrate of that District, amounting together to rixdollars 42,545.

I further beg leave to communicate that I am prevented from immediately complying with the tenor of the latter paragraph of your said letter, as no account of the proceeds which have been realized from the effects of that estate has as yet been transmitted to my agent at Graham's Town, the time for so doing not having expired ; he will however be directed by the first post so to do, upon the receipt of which the required information will be submitted to you. I have &c.

(Signed) V. A. SCHONNBERG, Sequestrator.

His Majesty's Commissioners of Inquiry.

[Enclosure 23 in the above.]

SEQUESTRATOR'S OFFICE, 3rd *February* 1826.

SIR,—I have to acknowledge the receipt of your letter of this date, requesting to be informed from what funds I have been enabled to comply with the Order of the Colonial Government for advancing various sums on account of Mr. Willis's Vendue Rolls, amounting to rixdollars 42,545, and in reply have the honor to acquaint you for the information of His Majesty's Commissioners of Inquiry, that I have been directed by a letter from the Chief Secretary to Government, dated 8th

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December last, to pay these advances out of the balance of monies belonging to this Department deposited in the Bank.

I have &c.

(Signed) V. A. SCHONNBERG, Sequestrator.

John Gregory, Esqre.,

Secretary to His Majesty's Commissioners of Inquiry.

[Enclosure 24 in the above.]

SEQUESTRATOR'S OFFICE, 3rd March 1826.

GENTLEMEN,—I have the honor to acknowledge the receipt of your letter dated the 28th ultimo, and in compliance therewith beg leave to transmit copies of letters received from the Chief Secretary to Government ordering me to pay certain advances on Mr. Willis's Vendue Rolls out of the balance of monies belonging to the Department and deposited in the Bank, as also a nominal Return of the holders of those Bills who have received such advances together with the amount paid to each. I have &c.

(Signed) V. A. SCHÖNNBERG, Sequestrator.

The Commissioners of Inquiry.

The Return shows eighteen payments, amounting in all to Rds. 42,545 7 schs. 2 sts.

[Enclosure 25 in the above.]

COLONIAL OFFICE, 8th December 1825.

SIR,—In consequence of the insolvency of Mr. Willis, late Vendue Master in Albany, the Government has become responsible, under the Proclamation of 22nd April last, for the amount of the proceeds of all sales which may have been effected by him under the regulations established by that Proclamation.

Several of the merchants and others concerned in this failure have applied to Government for the immediate payment of the Vendue Bills which have been protested, and although His

Excellency the Governor in Council has given an opinion that Government is not obliged to make good such payment until the proceeds of the Insolvent's Estate and the amount of the Security Bonds have been collected, still His Excellency feels anxious that every possible facility should be given to the Parties who have suffered so much temporary inconvenience from Mr. Willis's insolvency.

He has therefore been pleased to signify to you his pleasure (as Mr. Willis's estate is now under sequestration) that the amount of such Vendue Rolls as may have been certified by Major Dundas, Landdrost of the District, to be correct under the regulations of the Proclamation, should be paid by you forthwith out of the balance of monies belonging to your department deposited in the Bank.

You will be good enough to keep a distinct and separate account of all such sums as may be paid by you on this account, in order that when the proceeds of the Estate shall be collected with the amount of the Security Bonds, if necessary any deficiency which may appear against the Government may be paid over to your Department.

I have the honor to transmit to you a list of such Vendue Rolls as have been already certified by Major Dundas, amounting to thirty-two thousand six hundred and fifty-one rixdollars seven skillings and five stivers. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

P.S. I also transmit to you in original the Certificates that have already been presented to Government, and I shall forward to you the remainder as soon as they are received.

The Sequestrator.

[Enclosure 26 in the above.]

ORPHAN CHAMBER, 19th December 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 17th November last, and in obedience to the request of His Majesty's Commissioner of Inquiry therein conveyed, to state to you that the number of estates of unknown heirs

existence of the survivors or other relatives of a person dying in this Colony, to enable them or any of them to recover property under our administration ?

2. What attestation is required of the due execution of a power of attorney transmitted by any English or foreign claimant to receive such property or share thereof as may devolve to him ?

3. Under what circumstances we consider it requisite to take security from persons receiving their portions of inheritance ?

In reference to the first question proposed relative to the Certificates alluded to, we have the honor to state that the Board proceed upon the principle that the Certificates in question contain such proof as is required by a Court of Justice to establish the baptism, marriage, death, or existence of the party and with respect to the form, the Board are regulated by the laws and practice of the place where such certificates are granted ; a public document or a document legally attested by the Magistrate of the place being required in all cases.

With respect to powers of attorney referred to in the second question, the Board follow the same principle, with this difference that, as powers of Attorney are sometimes executed and transmitted hither without the attestation of a magistrate or any public person, the Board make no payments upon such powers without being previously assured by some accredited information that they have been executed according to the form and usage of the place whence they proceeded, and that they are of full force and effect at such place as well in judicature as thereout. The Board observing in this case also the principle that the power of Attorney must contain sufficient authority to enable the Claimant to obtain sentence from the Court of Justice to payment by the Board if necessary.

Referring to the third question, we have the honor to state that security is only required when the Board entertain doubts as to the authenticity of the certificates or powers of attorney, but at the same time have reason to believe that the deficiency apparent therein is attributable solely or principally to the ignorance of the parties, and may be corrected or supplied. In such cases the Board nevertheless endeavour to afford to the parties concerned every facility consistent with the responsibility which in the event of an unauthorised payment would

attach to the Members of the Board who had instructed the Secretary to make such payment without the necessary security, it being a rule established by the Board that the Secretary shall effect no payment on a certificate or power of Attorney received from Foreign Countries, without being authorised thereto by decree of the Board, after due examination of the documents transmitted. We have &c.

(Signed) THE PRESIDENT AND MEMBERS OF THE
ORPHAN BOARD.

J. T. Bigge, Esqre.,
His Majesty's Commissioner of Inquiry.

[Enclosure 29 in the above.]

CAPE TOWN, 28th December 1826.

SIR,—In reply to your letter of yesterday requesting to be informed “Whether in cases or Memorials that are brought before the Court of Justice, and in which the Board of Orphan Masters, in their official capacity are interested, it has been customary for the President of the Court to retire or to decline taking any part in its deliberations,” I have the honor to inform you that in general in all cases whatsoever in which the Board of Orphan Masters in their official capacity are concerned or interested, the President of the Court of Justice is not present either at the deliberations or decisions, and that when any matter, or Memorial, or anything else occurs in the course of the other proceedings, which requires any deliberation, the President either retires from the Court, or should the matter be of no consequence, remains, but nevertheless refrains from any interference therein; and in the records respecting all which cases or memorials it is specially noted that the President of the Court was not present, or had excused himself from the deliberations. I have &c.

(Signed) D. F. BERRANGÉ, Secretary.

J. T. Bigge, Esqre.,
His Majesty's Commissioner of Inquiry.

[Enclosure 30 in the above.]

Extract from the Resolutions passed by the Governor and Council at the Cape of Good Hope on Tuesday the 16th February 1768.

Jan Willem Cloppenburg, Esq., the Lieutenant Governor (Secunde), having thereupon stated that His Honor, as President of the Court of Justice, could not well consistently longer continue the Presidency of the Orphan Chamber, and requested that on the approaching occasion of the monies deposited in said Chamber being examined and paid over by the outgoing to the new members, according to annual custom, he might be discharged from the presidency aforesaid ; His Honor's request was acceded to, and on the proposal of His Excellency the Governor, the Independent Fiscal, Joachim van Plettenberg, Esq., again appointed President of the Orphan Chamber, by whom the customary oath was taken accordingly before the Governor aforesaid.

While further in consideration that the present duties of said Lieutenant Governor Cloppenburg will not allow him, in case of this place being attacked by the enemy, to continue to act as Captain of the Company's writers, it was therefore likewise found good and resolved, again to appoint the said Fiscal Van Plettenberg as Captain of the Company's writers aforesaid.

A true Extract.

(Signed) J. G. BRINK.

[Enclosure 31 in the above.]

ORPHAN CHAMBER, 30th August 1826.

SIR,—In compliance with the desire of His Majesty's Commissioners of Inquiry conveyed to me in your letter of the 24th instant, I have the honor to forward to you herewith enclosed a continuation of the returns of fees and salaries which form part of the Appendix to the Treatise upon the state of the Orphan Chamber compiled by the Board.

I also enclose in conformity to the latter part of your letter

a copy of the instructions that have been issued by the Colonial Government to the Board of Orphan Masters, by which it is directed that the whole Establishment of the Orphan Chamber shall be defrayed out of its own funds, on account of the heavy charge which is annually made for the Department, and that the amount of percentage on the public sales held by the Board shall continue to be paid into the Receiver General's Office as heretofore.

It occurs to the Board of Orphan Masters however that the heavy annual charges of the Establishment alluded to in the letter from the Chief Secretary to Government could not have given rise to the arrangements that have been made, as it appears that the fees of office which from the year 1809 to 1825 have been regularly paid unto Government, and which formerly were enjoyed by the respective functionaries in the Orphan Chamber, amount to rixdollars 447,172 30sts. while on the other hand the charges of the Establishment have not exceeded rixdollars 386,744 42. I have &c.

(Signed) J. J. L. SMUTS.

The Secretary to
His Majesty's Commissioners of Inquiry.

[Enclosure 32 in the above.]

COLONIAL OFFICE, 23rd February 1826.

GENTLEMEN,—His Excellency the Governor having taken into consideration the state of the general finances of the Colony, and observing that a heavy charge is annually made for the expence of the establishment of the Orphan Chamber, while the Funds belonging to that Board are more than sufficient to defray all the charges of its administration, I am directed to signify to you his pleasure that from the commencement of the present year the whole establishment of the Orphan Chamber as sanctioned by Government shall be defrayed by you out of its own funds.

The amount of the percentage on the public sales made by the Board will still continue to be paid into the Receiver General's Office as usual, but the fees of office and other

receipts of the Board will from the period abovementioned be carried to the credit of the funds of the Orphan Chamber.

I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

The President and Members of the Orphan Chamber.

[Enclosure 33 in the above.]

ORPHAN CHAMBER, 24th January 1827.

SIR,—I have the honor to transmit to you herewith the following documents, for the information of his Majesty's Commissioner of Inquiry, in compliance with your letter of the 11th Instant :

A copy of the decision given by the Board of Orphan Masters upon the application of the Moderator of the Synod, dated 8th March 1826, praying for an advance of rixdollars 10,000 in aid of the widows' fund, together with a copy of the Board's decision on the application made by the Guardian of Slaves on the 24th November 1826 for certain extracts of wills, as also a supplementary return of all sums advanced by the Board to individuals or public bodies from the 31st August 1825 to 31st December 1826. I have &c.

(Signed) J. J. L. SMUTS.

The Secretary to the Commissioner of Inquiry.

[Enclosure 34 in the above.]

ORPHAN CHAMBER, 8th March 1826.

GENTLEMEN,—His Excellency the Governor having submitted to the Board of Orphan Masters a letter from Sir John Truter covering a Memorial addressed by you to His Excellency, I am directed to acquaint you that the Board, fully impressed with the necessity of creating a fund for the relief of widows of clergymen of the Dutch Reformed Church, are desirous of contributing their utmost to promote a measure of such manifest utility, and they have therefore come to the deter-

mination of granting in aid thereof out of the private fund of the Orphan Chamber an annual subsidy of rixdollars 600, for the term of ten years, the payment of which will commence from the first of January last. I have &c.

(Signed) J. J. L. SMUTS.

The Moderator of the Synod
of the Reformed Church.

[Enclosure 35 in the above.]

ORPHAN CHAMBER, 29th November 1826.

SIR,—In reply to your letter of the 24th instant requesting to be furnished with certain documents to enable you to investigate the cases of certain slaves who consider that they have claims to freedom, I am directed by the Board of Orphan Masters to acquaint you that they do not conceive themselves justified in delivering copies or extracts of wills to you unless you appear interested thereby, and the Board cannot therefore comply with your request as far as regards the will of C. L. Muller.

With respect to the other documents required by you, the Board are desirous of knowing whether if furnished to you the usual fees and stamps will be paid thereon, because an authority from the Court of Justice would be required in case the papers applied for are to be delivered gratis.

I have &c.

(Signed) J. J. L. SMUTS.

The Guardian of Slaves.

[Enclosure 36 in the above.]

ORPHAN CHAMBER, 6th July 1825.

SIR,—It being directed by the 60th Article of our Instructions that “ If an Orphan shall have been absent for sixteen successive years and his place of abode shall not have been discovered, or his existence ascertained, the nearest relatives who presume to have a claim to the property relinquished by him, shall with advice of the Orphan Masters cause such person to

be publicly cited at the place where he last resided, and if it be then found that he has died, or that it is impossible to discover the place of his abode, the Orphan Masters shall consent to the division of his property for the benefit of the relatives and nearest heirs at law, on condition that if there be not sufficient proof of his decease *ab intestato*, each of them do produce to the satisfaction of the Orphan Masters sufficient security for the amount of his share, which shall be reimbursed by him in case such absentee make his appearance," without any provision or distinction having been made relative to trifling amounts of inheritance; we are invariably under the necessity, in cases where the nearest relatives and heirs at law of any absentee apply for the receipt of any sum of money administered by our Board for account of such absentees, however trifling in amount, to refer the applicants to the Worshipful the Court of Justice, as the only authority by which the formalities required by the above quoted article of our Instructions can be complied with.

From this we have had occasion to remark that several individuals, generally in needy circumstances, who have a lawful claim of the above description on trifling amounts of inheritance in the Orphan Chamber, are prevented from preferring that claim from an apprehension of beholding the greater part of it if not the whole of its amount absorbed by the expenses which must be incurred in pursuance to the aforesaid article.

Conceiving this to be a hardship for persons interested and circumstanced in the manner aforesaid, we consider it our duty to submit to His Excellency the Governor whether it might not be deemed expedient to authorise our Board, in cases where sixteen successive years shall have elapsed without any intelligence having been received of absentees who have property in the Orphan Chamber, and where that property including the interest does not exceed a sum of five hundred rixdollars, to cause payment thereof to be made to their nearest relatives and heirs at law without any previous summons by edict, under condition merely that where no sufficient proof of the decease of such absentees exists, the heirs receiving the property be held to produce to the satisfaction of our Board sufficient security for its repayment in

the event of such absentee making again his appearance or having disposed of his property by Will. We have &c.

THE BOARD OF ORPHAN MASTERS.

(Signed) J. A. TRUTER.

By order of said Board,

(Signed) J. J. L. SMUTS, Secretary.

Sir Richard Plasket,
Secretary to Government.

[Enclosure 37 in the above.]

COLONIAL OFFICE, 22nd December 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th Instant, and in reply to inform you that it appears to have been the intention of the Colonial Government to submit to the Government at Home the proposal of the President and Members of the Orphan Chamber that the forms and expence of public citation to absent heirs at the place of their last residence after the lapse of 16 years from the death of a testator, in cases where the shares of inheritance to the heirs present do not exceed the amount of rixdollars 500 should be dispensed with, but that no representation has as yet been made to that effect. I have &c.

(Signed) RICHARD PLASKET,
Secretary to Government.

J. T. Bigge, Esqre.,
One of His Majesty's Commissioners of Inquiry.

[Enclosure 38 in the above.]

FISCAL'S OFFICE, 17th October 1826.

SIR,—I have the honor to acknowledge the receipt of your letter of the 16th instant, and in compliance with your request to inform you what term of prescription is appointed by the laws of this Colony to claims of property, and whether after the lapse of such term without claim, property is considered

as devolving to the Government or the State, and forming part of its public Revenue, I have the honor to state in reply to the first part of your letter that the common law of Holland (*jus consuetudinarium*) by which the Courts of this Colony generally are guided in the absence of such other written laws as are binding upon the Inhabitants, has assigned a term of one third part of a century to the prescription of claims to immovable or landed property, and to such annual rents as are deemed by law to enjoy the right of immovable property, and of thirty years to the prescription of claims to movable property; and to the second part of your letter that at the expiration of the term of prescription the property devolves to the Individual or Individuals who has or have during the said term without interruption been in the possession thereof with the intention to use the same as his or their own property, Government or the State enjoying the same right as private Individuals. I have &c.

(Signed) D. DENYSSEN, Fiscal.

J. T. Bigge, Esqre.,

His Majesty's Commissioner of Inquiry.

[Enclosure 39 in the above.]

FISCAL'S OFFICE, 30th January 1827.

SIR,—I have the honor to acknowledge the receipt of your letter of the 26th instant, requesting me to inform you whether I am aware of any written law or authority by which the right of the State is declared to property for which no claimant appears or can be found, after the lapse of the term of prescription mentioned in my letter of the 17th October 1826, and in compliance with your said request to state that I am not aware of any written law or authority actually in observance or to my knowledge acted upon by the Government of this Colony whereby the State is declared to have the right of property of such unclaimed goods. I have &c.

(Signed) D. DENYSSEN, Fiscal.

J. T. Bigge, Esqre.,

His Majesty's Commissioner of Inquiry.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. HILL, ESQRE.

DOWNING STREET, 15th February 1827.

SIR,—I am directed by Earl Bathurst to transmit to you enclosed a Copy of a letter which has been received from the Agent to the Government of the Cape of Good Hope, covering a statement of the balance of money at present in his hands, and of the demands which he expects will be made on him to the end of the Current Quarter ; and I am to request that you will lay this letter before the Lords Commissioners of His Majesty's Treasury, and move their Lordships to give directions for such an Issue being made to Mr. Courtenay as may enable him to carry on the business of his Agency. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. HILL, ESQRE.

DOWNING STREET, 15th February 1827.

SIR,—I have received Earl Bathurst's directions to transmit to you enclosed a Memorial which his Lordship has received from Major Cameron on the half pay of the 83rd Regiment, praying to be relieved from the loss which he alleges himself to have sustained by the depreciation of the Currency of the Cape ; and I am to desire that you will submit this paper for the consideration of the Lords Commissioners of His Majesty's Treasury. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to T. P. COURTENAY, ESQRE.

DOWNING STREET, 15th February 1827.

SIR,—I have received Earl Bathurst's directions to desire that you will issue to the Reverend John Cassie the sum of Fifty Pounds, in order to enable him to proceed to Holland for the purpose of making himself proficient in the Dutch Language ; and I transmit to you herewith a bond of Security that the money shall be repaid in case Mr. Cassie shall not eventually proceed to the Cape of Good Hope, for the purpose of undertaking the charge of one of the Churches in that Colony. I am &c.

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to the REVEREND JOHN CASSIE.

DOWNING STREET, 15 February 1827.

SIR,—I have received Earl Bathurst's directions to acknowledge the receipt of your letter of the 5th Instant, the enclosures of which I herewith return to you ; and I am to acquaint you in reply that after you shall have acquired a sufficient knowledge of the Dutch Language, you will be provided with the means of proceeding to the Cape of Good Hope, when you will be appointed to the Ministry of one of the vacant churches in that Colony. Mr. Courtenay the Colonial Agent for the Cape, to whom you will address yourself on the subject, has been instructed to issue to you the sum of fifty Pounds for the purpose of enabling you to proceed to Holland. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.*CAPE OF GOOD HOPE, *February 15th* 1827.

MY DEAR SIR,—Since the departure of His Majesty's ship *Slaney*, I have seen in Mr. Greig's newspaper, herewith enclosed, some Resolutions of the Currency Committee, (embodied in a letter to the Earl of Caledon) relative to the decision of the Lords of the Treasury as contained in Earl Bathurst's Despatch of the 11th September last, and lately promulgated here.

I should not have deemed it necessary to call your attention to this document, were it not for a reference made therein to the temporary measure adopted here by Government Advertisement under date June 28th 1825, and which the Treasury appear to think remained still in force. This measure was adopted at the period above mentioned, with the view of quieting the minds of the people until the decision of His Majesty's Government could be known, but being merely a local measure and without authority from home, it was rescinded by Council so soon as we were made acquainted with the decision of the Treasury on the Currency Question, which was on the 25th December 1825, on the arrival of Mr. Blair, the Commissioner of Inquiry, who wrote officially to Lord Charles Somerset to state that he had been desired by the Treasury to announce its determination to adhere to its original decision.

On writing to the Currency Committee we altered those expressions in the Treasury letter from which it could be inferred that the Regulation was still in existence, but as the late Resolutions have alluded to its not being now in force, I have deemed it necessary to give you this explanation.

I have &c.

(Signed) RICHARD PLASKET.

[Original.]

*Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.*CAPE OF GOOD HOPE, *February 15th 1827.*

MY DEAR SIR,—It is absolutely necessary that something should be done in regard to the state of the Public Press here.

I have already acquainted you with the discontented and dissatisfied state of the public mind in this Colony. It is universal, we have no friends or supporters. The Currency question, the Slave question, the successive failures in the harvests, the general poverty of the inhabitants, the constant bankruptcies, the unsettled state of the Government, the miserable pay of all the inferior servants of Government, the delay in the Commissioners' reports, are causes which affect in one way or another the whole population, while Mr. Greig's paper takes every opportunity of informing them that their difficulties, their poverty, and even their bad harvests are caused solely and alone by the mismanagement of the Government, he is constantly pointing out to the public the weight of the taxes, the total inability of the people to pay them, the folly of petitioning Government, and the necessity of doing something for themselves. These are the doctrines which are weekly circulated through the Colony, and without the chance of contradiction or explanation.

Mr. Bridekirk has given up his paper as a losing concern. I did everything I could to keep him up, by giving him Government Advertisements, information, and even writing for his paper. But he had no Editor, and his cause had few friends. I wanted to have knocked up our *Government Gazette*, in which nothing is allowed to be inserted, and to have given Mr. Bridekirk the whole of our Proclamations and official Advertisements, and I was also inclined even to secure him from loss, for a few months, until we could refer to you; but the Lieutenant Governor did not agree with me, at least he would not do it without a previous sanction from you, and Mr. Bridekirk gave up the Paper.

As to taking away Mr. Greig's license, I must confess I see no good result from it, it would create a great sensation in England, and would attach much odium to this Government

without any corresponding good effect. Some other person would apply for a license, would borrow or purchase Mr. Greig's *material*, and with the same Editor would commence a similar Publication. I think it would be far preferable to prosecute him : and I have been of opinion that he should have been prosecuted on two occasions ; but on one, a libel on Lord Charles Somerset, the Fiscal thought the issue doubtful, and on another, a libel on the Fiscal, he asked for leave to appoint an Advocate to prosecute for him, which I thought he ought to have been allowed, but the General differed in opinion.

The General does not appear to view the effects of Mr. Greig's paper in the same light as I do. At any other time I should agree with him, but really in our present state we cannot afford any exaggerated account of our real situation. I don't want to cramp Mr. Greig, I would recommend the Press to be free as it is in England, but I would fight him with his own weapons, by setting up a paper on our own side, with a clever man as an Editor, and by backing him with the support and assistance of Government, and by giving him all our work and knocking up the Government Official *Gazette* altogether.

By this means we should circulate the Paper throughout the whole Colony, as we usually send one *Government Gazette* gratis to all the Wardmasters in Cape Town, and all the official authorities and Fieldcornets in the Country Districts, and should soon beat Mr. Greig out of the field. I assure you that a further delay and continuance of our present state for six months will, in my opinion, be attended with some open rupture.

I see indications on all hands of attempts to thwart and disown the authority of Government among our own Officers, while the public are sitting in committees, and addressing Government in bodies for reforms of all kinds, and for an independent system of Government.

The worst of it is that I cannot but agree with them in most of their complaints, and although I have endeavoured in some articles I wrote for the *Chronicle*, to preach patience to them, until the decision of Government on the Commissioners' Report, I must confess I have lost all patience myself, without suffering as they are under poverty and distress.

If you could select a competent man for this paper, he might

come out at first, until the arrangement could be settled, as Editor of the *Government Gazette*. Something of the kind is really necessary. I have &c.

(Signed) RICHARD PLASKET.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to JAMES STEPHEN, JUNIOR, ESQRE.

DOWNING STREET, 17 February 1827.

DEAR SIR,—Lord Bathurst desires that you will have the goodness to draw up an Instruction to the Lieutenant Governor of the Cape to suspend Mr. D'Escury from the office which he holds, for three months, in consequence of his having brought a charge against the Governor which turns out to be unfounded.

Yours very truly,

(Signed) R. W. HAY.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LIEUTENANT COLONEL J. G. CUYLER.

DOWNING STREET, 17th February 1827.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of the Memorial addressed by you to his Lordship on the part of the Agricultural and Horticultural Society of the District of Uitenhage, which might more properly have been transmitted to his Lordship through the instrumentality of the Governor of the Colony. I am, however, to apprise you, that the more immediate object of the application from the Society has already in a great measure been accomplished by the orders which his Lordship has given for sending a supply of seed wheat to the Colony. I am &c.

(Signed) R. W. HAY.

[Original.]

*Letter from SIR RICHARD PLASKET to R. W. HAY, ESQRE.*CAPE OF GOOD HOPE, *February 18th 1827.*

MY DEAR SIR,—I wrote you a hurried letter on the 3rd instant relative to our Currency and in explanation of a former letter in which it appears my meaning had been misunderstood.

I have since seen the Deputy Commissary General Mr. Hewetson, and have brought this subject before the Lieutenant Governor, who will address Earl Bathurst by this opportunity, as it is absolutely necessary some measures should be adopted for changing our old and defaced rixdollar notes for clean ones, if they are not to be replaced by new notes in Sterling money.

On the tenth of this month the circulation stood as follows :

| | |
|--|----------------|
| Paper money stamped and issued | Rds. 3,100,000 |
| Deduct amount withdrawn from circulation by the Commissariat and deposited in the Military Chest | 1,237,000 |
| | <hr/> |
| | Rds. 1,863,000 |

or in Sterling money £139,725 the amount of paper actually in circulation.

The amount of silver and copper sent out by the Treasury since the Order in Council is £61,005, but of this sum only £56,000 has been yet issued, and it is stated by Mr. Hewetson that he has good grounds for supposing that out of this supply of silver £30,000 at least has been exported, principally as remittances by the merchants to save the three per cent on Commissary's bills, and partially, as will always be the case, in payment of trifling imports in foreign vessels when bills on England or Colonial produce are not required.

Deducting, therefore, £30,000 from the £61,005 issued by, (or in the Chest of) the Commissariat, there will remain £31,005 to be added to the amount of Paper Currency in circulation, making altogether

| | |
|-----------------------------|----------|
| Paper | £139,725 |
| Silver and copper | 31,005 |
| | <hr/> |
| | £170,730 |

And some complaints have lately been made in the Country

Districts of the want of both paper and cash, and the Capital kept in deposit by the banks has since the Order in Council been diminished from rixdollars 450,000 to rixdollars 200,000, and cannot well be further limited.

We may therefore conclude that £150,000 at least is required as the circulating medium of the Colony at present, and we must arrange for keeping up such supply in future.

As long as the Commissariat charge three per cent on their bills, the silver money will be exported as remittances, and the Treasury will be forced to send out constant supplies, the freight of which and other attendant expences will cost them one and a half per cent.

The Lieutenant Governor proposes to recommend to Earl Bathurst that the Treasury should not charge any premium on their bills.

I fear their Lordships will not be so generous to us, but I think at all events they may reduce the premium from three to one or one and a half per cent, and by this mode they will only lose in Bills what they must otherwise spend in freight, &c., for their regular supplies of silver. I trust therefore that they will adopt some measure of this kind to keep the Metallic Currency in the Colony.

When this is arranged, they will then have to decide on the relative quantity of gold or silver, and of paper which is to form our Circulating Medium. Whatever may be the amount of Paper, and I should think £75,000 at least will be necessary, if no private Bank be set up, it should be stamped in England, and in sterling money, and sent out to the Commissariat without delay, as I trust we shall not be obliged to issue any more Proclamations for withdrawing and issuing rixdollar notes. The subject of the Paper Currency is a very sore one here, and the sooner we get rid of the rixdollar the better.

The Lieutenant Governor proposes that these notes should bear upon the face of them that they are to be payable in silver or in bills on England at the usual sight. The old notes are virtually convertible in this manner under the Order in Council, saddled with the three per cent; but it would (in the present state of doubt as to the confidence to be placed in Government Paper) be very advisable that the wording of the note should bear its own convertibility, and if the Treasury

will reduce the premium to one or one and a half per Cent, the new Circulation will give general satisfaction, and we really do want something satisfactory here.

The Commissariat expenditure, since the Treasury minute was received (in June 1825), has been £195,000. The amount of bills drawn £203,800. Making an excess of drawing of £8,800.

The smallness of this excess in Bills is owing to the merchants having remitted silver to the supposed amount of £30,000, which, if correct, would make the excess of remittances over expenditure in the course of nineteen months £38,800.

It must, however, be recollected that in consequence of the high price of Commissariat Bills, or depreciation in Paper Currency previous to the Order in Council, the merchants had kept back their usual remittances.

The usual average of excess in drawing over expenditure in the Commissariat is now about £5,000 per quarter, but when the expected additional British Regiment comes out, it will be pretty nearly on a par I should think.

Our imports last year valued £269,000, our exports in Colonial Produce £158,000, leaving a balance of trade against the Colony of £111,000.

In regard to Debentures, with a view of assisting the circulating Paper Currency, and as a matter of general convenience, and in my opinion of considerable benefit to the community, and particularly to the servants of Government in inducing them to save a part of their allowances, I had recommended and I still do recommend the issue of debentures.

I have always been of opinion that the loose and general practice of Loans from the Government Banks in this Colony to individuals of all descriptions who were either speculating or living beyond their incomes has tended most materially to the almost general bankruptcy which now prevails here.

I am equally averse to Government interfering with banks at all, and if a Joint Stock Banking Company, on the Scotch system of giving interest for balances in hand, were established here, I should neither recommend the continuance of the Lombard Bank Loans nor the issue of debentures.

But with a thorough belief of the ruinous consequences of the abuse of the banking system here, I cannot after so

many years of constant assistance on the part of Government make up my mind to say that the interference of Government should all at once be taken away.

I would, therefore, recommend that a capital be set aside of £40,000 or £50,000, to be lent on loans for ten years, for agricultural improvements and on unexceptionable security, with interest at six per cent, and the repayment of the principal, after the expiration of the first year, by ten equal annual instalments.

And I would recommend the issue of debentures to any sum not exceeding the above capital, the Debentures made transferable bearing five per cent interest, and payable at sight, deducting the fractional days of the current month.

By these means gradually carried into effect, and by using the interest and remaining capital of the Lombard Bank as it is paid in, we should be able to meet our difficulties for a few years longer, when it may be in a more flourishing state, or that Great Britain may be more able to assist us.

The amount of capital of the Lombard Bank now issued on Loan is £115,000. I have &c.

(Signed) RICHARD PLASKET.

P.S.—Since writing the above I find the Lieutenant Governor has proposed to reduce the interest of the loans issued to individuals from the Lombard Bank, from six to five per cent. This will certainly be a very palatable measure to the debtors. But this Government has mixed itself up so much with loans, mortgages, &c., independent of these of the Lombard Bank, and which it has taken over for valuable consideration, that numerous other debtors will spring up to demand the same relief from Government.

If it be complied with, I think it should be limited to the Lombard Loans issued before the Currency was fixed at one shilling and sixpence, as I do not see any reason, when the legal interest of the Colony is six per cent, and when that is the lowest at which money can be at all procured, that Government should lose one per cent upon its capital. I trust the time will soon arrive when money will be obtainable at five per cent, and in that case our six per cent loans will fall of themselves.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February 19th 1827.*

MY LORD,—At the request of Mr. John Hawkins, a merchant in this town, I have the honor to submit for your Lordship's consideration, a Memorial presented to me with the view of its being laid before Council, by which he renews his application for the repayment by Government of a sum of rixdollars 13,842. 5. with interest and expenses, being the amount of a sale held on his account by the late Vendue Master of Albany, at a very short period antecedent to the Insolvency and removal of that officer from his situation.

On my informing Mr. Hawkins that the case, as detailed in his Memorial with its accompanying documents, was not in my opinion of a nature for the reconsideration of Council, he requested me to forward the whole of the papers for your Lordship's decision on the subject, and I take the liberty of referring your Lordship to the Minutes of a Council held on the 3rd June 1826 (Annexure L to Mr. Hawkins' Memorial) by which your Lordship will perceive that the Council in deciding on a former and similar application from the Memorialist, were guided by the opinion of His Majesty's Fiscal.

I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February 20th 1827.*

MY LORD,—In obedience to the instructions contained in your Lordship's despatch of the 10th September last (No. 303), I brought under the consideration of the Council the proposal submitted to your Lordship by His Excellency Lord C. H. Somerset, for raising the Import duties in this Colony on British

goods from $3\frac{1}{2}$ to 5 per centum, and for removing the inland duties on Colonial produce exported from hence. The Council are of opinion it is not expedient to raise the duties on Imports, but recommend that the inland duty called Tithe on Wine, and a charge for gauging, amounting together to 6s. per leaguer of 152 gallons, old measure, should be drawn back on exportation, if on arranging the financial affairs of the Colony a reduction of about £2000 per annum, which this measure would occasion, can be afforded. The Minute of Council is annexed.

It was in contemplation to cover the proposed reduction by an increased duty on wine and brandy consumed in the Colony, the latter of which pays at present but the same inland duty as wine, namely 4s. 6d. per leaguer duty, and 1s. 6d. for gauging. But finding an increased duty on wine likely to be much objected to I have not proposed it. To an augmentation of the charge on brandy there can be no well founded objection, and I conceive it will be advisable to raise the duty from three rixdollars (4s. 6d.) to fifteen (£1 2s. 6d.) as proposed in my letter to the Commissioners of Inquiry of the 17th July last. I have &c.

(Signed) RICHD. BOURKE.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February 21st 1827.*

MY LORD,—In conformity to the Colonial Proclamation of the 1st April 1814, I directed the accounts of the Burgher Senate and Country Districts for the year 1825 to be published in the *Government Gazette*. I have reason to believe that this measure has produced a good effect, and that its continuance will not only occasion increased attention on the part of those official persons to whom the management of the several funds and the preparation of the accounts are entrusted, but that the public mind will be disabused in those important particulars, the amount of taxation and expenditure ; and much unfounded

clamour will thus be silenced. I conceive that these advantages may be obtained in a still greater degree by a similar publication of the annual revenue and expenditure of the whole Colony, in the manner of a Treasury Balance sheet. I can hardly contemplate any arrangement more likely to restore public confidence than an annual statement of this sort, as the secrecy which now involves all the measures of this Government is doubtless very prejudicial to its interests. It is true that the financial affairs of the Colony will not at this moment appear to be in a prosperous state, and it will be seen that in the last year, unless recourse had been had to capital in the Lombard Bank, the expenditure on the present establishment could not have been provided for; but the erroneous opinions which are formed in the absence of all authentic statements are still more discouraging and lead directly to discontent and distrust.

As there is no Colonial Law requiring such a publication, and as the practice has hitherto been otherwise, I have not thought it right to make this innovation without first obtaining your Lordship's permission, which I now take the liberty to solicit. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to LORD CHARLES SOMERSET.

DOWNING STREET, 21st February 1827.

MY LORD,—I have received the Earl Bathurst's directions to acquaint your Excellency that in consequence of communications which have recently been received from the Cape of Good Hope, his Lordship thinks it expedient to resume the consideration of the proposition which was some time since received from His Majesty's Commissioners of Enquiry for imposing a tax upon Slaves in the Colony.

His Lordship is, therefore, desirous of inviting your Excellency to reconsider the objections which you stated in your letter of the 17th of June last against the adoption of that measure; the more particularly as it appears that the sugges-

tion of the Commissioners has partly been derived from arrangements which had been made before their arrival in the Colony, and after the events had occurred to which your Excellency has ascribed the present distressed condition of the farmers.

Upon reference to Sir Rufane Donkin's Proclamation of the 30th of March 1821, and to your Excellency's Proclamation of the 7th of February 1823, Earl Bathurst perceives that the Colonial Authorities had adopted the principle of taxing Slaves in the same spirit in which it was subsequently recommended by His Majesty's Commissioners, both Proclamations having been issued at the instances of the Magistracy of the Districts of Stellenbosch and Worcester, expressly for the urgent purpose of providing the means of supplying the growing deficiency of the Local Revenue, and as may reasonably be concluded upon the ground that Slave labor was, in the opinion of the Magistrates at least, the most unobjectionable source of additional Revenue to which recourse could be had.

Under these circumstances Earl Bathurst cannot but think that the proposition of the Commissioners is well deserving of serious consideration; and his Lordship will be glad to receive any suggestions from your Excellency having for their object a more general application of the Slave Tax throughout the Colony. I have &c.

(Signed) R. W. HAY.

[Original.]

Letter from J. C. HERRIES, ESQRE., to R. W. HAY, ESQRE.

TREASURY CHAMBERS, 21st February, 1827.

SIR,—I am commanded by the Lords Commissioners of His Majesty's Treasury to transmit to you the copy of a letter from William Barrett with an enclosure from his brother-in-law David Cawood, a Settler at the Cape of Good Hope, respecting a sum of money stated to have been forwarded from thence to England, by means of the Government, for the said William Barrett; and referring you to the letter of this Board of the

7th of April last, I am to request you will move Earl Bathurst to cause these documents to be transmitted to the Governor of the Cape for any information he may be able to afford on the subject. I have &c.

(Signed) J. C. HERRIES.

[Enclosure 1 in the above.]

KEIGHLEY, *February 5th 1827.*

SIR,—I take the liberty of handing you the enclosed letter from the Cape of Good Hope. By your referring to my letters to you of the dates of January 25th and March 22nd 1826, you will there see what my claim is. The late Governor I suppose is returned to England, as the money was paid into his hands he will be able to give you information how transmitted. When you have made the requisite inquiry you will have the goodness to return the inclosed letter. Your compliance will much oblige your most obedient Servant,

(Signed) WILLIAM BARRETT.

J. C. Herries, Esqre.,
Secretary of the Treasury.

[Enclosure 2 in the above.]

LOWER CAFFRE DRIFT, *November 1st 1826.*

DEAR BROTHER AND SISTER,—These lines leave us enjoying a good state of health thank God. I hope you are enjoying the same blessing. I was sorry to hear from your last letter that my brother Joshua was sick, but I hope now he is enjoying good health. I hope you have received the money, if not write to the Lords of the Treasury to enquire if they have had any account of it, and if they have had no account of it please to write in your next letter a copy of their answer. The reason that we refer you to the Lords is that our answer from Cape that the money is sent for them to pay it to you, as Colonel Somerset said it would be the best and safest way to send it through the hands of Government, and it is their neglect if you have not yet got it, but I am now determined to look after it as soon as I receive your next letter. My sons are very sorry that you have not received the money on account of the great guns they

sent for. They want them very bad. They have bought one, and it cost them £30. They are to shoot elephants with makes them want so large. They have shot about 100. They have killed one within two miles of our house. When they were shooting at the mouth of the Great Fish River they found a whale just cast up, and they have made about £50 of the oil. My son John is married to a young woman that came out in the same ship. They have got a fine little girl about 12 months old. I have just heard of a few women and children that their husbands left behind them in England are now arrived at Algoa Bay, and a great many more Settlers are expected out. Please to send with the great guns moulds for the same, but not to send anything until you have received the money, let the guns be in good repair. The crops of wheat are failing in general with the rust which has been the cause of it since we came into the country. Barley, oats, Indian corn we have in general very good crops, and all kinds of vegetables grow very well. We have plenty of all sorts of fruit. I have heard that the worsted trade is very bad, and I think I am much better here out of it. Please when you write to send all particulars about the trade and the country. The reason I did not write sooner, that you would receive the money and you would write immediately. Please to remember me to all my relations and I should be glad to hear from any of them, but I think they almost forget us. My sons and daughters desire to be remembered to all their uncles and aunts, and to all their cousins, and would be glad to have a letter from any of them. Though we live 10 miles from the nearest Post Office we are glad to hear of a letter for us. I remain your brother,

(Signed) DAVID CAWOOD.

[Original.]

Letter from MRS. ANN WEBSTER to LORD CHARLES SOMERSET.

201 WHITECHAPEL ROAD, *February 21st 1827.*

HONOURED SIR,—I hope you will excuse the liberty I take in addressing your Excellency in behalf of my son Godfrey Webster, who unfortunately sailed from England as mate on

board the *Woodburne* on the 22nd of May 1826, which arrived at Table Bay on the 28th of August after the cables parted and every effort to save the vessel proved unsuccessful when on ground and every appearance of the decks being forced in on the masts going they keeping cracking and the soldiers and others (with lights it being a very dark night) from on shore kept calling to them to leave the vessel and save their lives as the vessel would go to pieces. The sea washing over them in a dreadful manner, consequently they got the long boat and all hands except the Captain who my son could not prevail upon to leave the vessel, he being nearly in a deadly state (he now informs me that he thought he might as well die in the vessel.)

The soldiers kindly rendered them every assistance and gave them hot spirits and water dried their clothes and did all in their power to save them taking cold. The purport of my letter is to request the favour of your Excellency that in case my son should apply to your Excellency to be sent to England that you will be pleased to comply with his request as he is left in a country that he never landed at before and many of his clothes were lost and no recompense made to him he applied to Mr. Venning at the Cape also to be sent as a cabin passenger with his Captain but was refused. I have &c.

(Signed) ANN WEBSTER.

[Original.]

Letter from MAJOR-GENERAL BOURKE to EARL BATHURST.

GOVERNMENT HOUSE, CAPE TOWN, *February 22nd 1827.*

MY LORD,—In consequence of the circular letter of the Lords Commissioners of His Majesty's Treasury dated February 12th 1825, directing the Officers of the Commissariat to grant bills on the Treasury of £100 Sterling for £103 in Rixdollar notes at the rate of 1s. 6d. for each Rixdollar, a large amount of this Paper money has accumulated in the Military Chest, there being at this time 1,237,000 Rixdollars therein. In the same circular letter the Commissariat Officer was informed that British Silver and Copper money would be sent out to be

issued for the pay of the Troops and the Civil Departments of the Army at its nominal rate.

Accordingly the sum of £61,005 Sterling has been sent out at various times, of which £56,000 has already been issued. By a subsequent order the Commissariat Officer was left at liberty to reissue to the Troops the paper money received in payment of the bills drawn on the Treasury, being careful however not to reissue any note under the value of 10 Rix-dollars.

The Silver money having been occasionally deficient, the Commissariat Officer has found it necessary at times to reissue the Paper Rixdollars and it is to this point I have the honor to request your Lordship's attention. The paper money thus reissued consists of notes of the commonest manufacture calculated on a coin not now in existence in the Colony, and a large proportion of it in so dirty and defaced a state as to be hardly fit for use. It has hitherto been customary frequently to renew this paper by stamping new and burning old Rix-dollar notes to the same value, but as the quantity in the Military Chest received in payment of bills became considerable, I directed the Receiver General and Commissariat to exchange paper, putting into the chest the old and defaced notes, and giving cleaner ones in return, which I deemed preferable to stamping new ones. As the notes in circulation wear rapidly, this measure cannot last, and old and defaced notes must either be reissued from the chest, or new ones stamped, or otherwise Specie sent out to the Colony to an extent which might be inconvenient to effect. I would propose that instead of reissuing these Rixdollar notes new ones of from £25 to 20s. Sterling value should be struck in England for the use of the Colony, and issued by the Commissariat here, an equal value of Rixdollar notes from the chest being destroyed upon every issue of the Pound notes, as it is by no means my wish to increase artificially the circulating medium of the Colony. I would further propose that these notes should be made payable to the Commissariat here in bills on the British Treasury. By this means a new note of a better manufacture and of a current denomination would be gradually introduced into the Colony, and the old Rixdollar absorbed and destroyed.

In addition to the convenience of this measure, I contemplate

I confess a tranquillising effect by getting rid of the paper whose depreciation has caused so much discussion. If it were thought desirable to get more expeditiously rid of the old Rixdollar, the Receiver General might be instructed to exchange with the Commissary General his monthly receipts of Rix-dollar notes for an equal amount in Silver or notes of the new denomination ; such old Rixdollar notes being immediately burned in presence of the proper officer.

I propose that the new note should be payable by bills on the British Treasury, but freed from the premium of 3 per cent which is now required. There is no kind of doubt that a large portion of the British silver sent into the Colony since 1825 has already left it, it being possible to remit silver to Great Britain at the rate of $1\frac{1}{2}$ per cent only ; and it is also sometimes required for India, and in payment of occasional small sales of French goods. It is not easy to calculate the exact amount of Specie thus exported, but it is almost certain that a much larger amount of bills would have been required for remittance, if the silver had not been used for that purpose. It will therefore I conceive be impossible to keep such a portion of the Silver coin in the Colony as convenience demands for the ordinary transactions of retail business, if remittances require to be made to Great Britain as at present to a considerable amount, and the drawers of bills on that Country continue to exact a premium of 3 per cent.

I would further propose that the Commissariat Officer should be permitted to draw bills on the Treasury for any sum not below £50, which would be the means of keeping much of the silver currency in the country, which is now taken out in consequence of bills not being procurable for a sum less than £100 Sterling.

If the measure which I have taken the liberty to submit should be adopted, the circulating medium of this Colony will consist partly of Silver and Copper money, and partly of paper convertible into bills on the British Treasury, and this currency (the proportions of specie and paper money being properly adjusted) will I conceive be likely to answer all the purposes of the Colony. There can be no issues from the Military Chest in the way of accommodation, and therefore I would not propose that these should be limited ; but should

its payments at any time raise the circulation to excess, such excess will soon find its way back to the chest and be got rid of in Bills.

This arrangement and the withholding any further loans on Mortgage from the Lombard Bank will I imagine gradually restore the currency to a healthful state.

With respect to the Lombard Bank I would further observe that the repayment of Capital by the Mortgagees is becoming more difficult every day, and that it will eventually be impossible to recover the whole of the amount. Most of the loans were made when the currency was superabundant, and kept so artificially. Owing to the late measures of His Majesty's Treasury, it is now subsiding, and has diminished I should say more than one sixth in amount. The sum now in the chest would prove a much greater contraction, viz. of one third, but the issue of specie and of some considerable sums of paper money within the last two years, which had previously been dormant in the Bank, would reduce the real contraction of the currency to about one sixth. A diminution to this amount is evident, and will I am convinced be permanent, and on this account I would propose to your Lordship to reduce the Interest payable by the Mortgagees to the Lombard Bank from 6 to 5 per cent.

The total of Mortgage Bonds and other Securities in the Lombard Bank on the 31st December 1826 amounted to £115,931 12s. 0½d., and the average receipt of interest for the last seven years has been £6,242. I have &c.

(Signed) RICHD. BOURKE.

[Office Copy.]

Letter from R. W. HAY, ESQRE., to W. A. HANKEY, ESQRE.

DOWNING STREET, 22 February 1827.

SIR,—I am directed by Earl Bathurst to acknowledge the receipt of your letter of the 22nd January together with the Memorial therein enclosed from the Directors of the London Missionary Society, and I am directed to acquaint you for the information of the Directors that his Lordship will be prepared

to give his consideration to the condition of the Hottentots generally, whenever his Lordship shall be in possession of the Report which he expects to receive from His Majesty's Commissioners of Enquiry respecting the Missionary institutions in the Colony. I am &c.

(Signed) R. W. HAY.

[Original.]

Letter from SIR HERBERT TAYLOR *to* R. W. HAY, ESQRE.

HORSE GUARDS, *February 23rd 1827.*

MY DEAR HAY,—I am again under the necessity with the Duke of Wellington's sanction of requesting you will call Lord Bathurst's attention to the present state of the Cape Corps of Infantry. It is to be reduced when relieved, but the Regiment intended to relieve or rather to replace it was sent to Portugal, and there is no prospect of replacing it while our Troops continue in Portugal unless there should be an augmentation of our Regular Force. In the meantime the Corps must suffer from the want of officers, those who happened to be absent having returned, and the vacancies caused by removals &c. not filled up.

The Establishment of Officers is 1 Major
4 Captains
4 Lieutenants
4 Ensigns

—
13

and the actual number is . . . 2 Captains
3 Lieutenants
2 Ensigns

—
7

At present the Corps is considered as struck off the Establishment, but this was the result of a general arrangement in the Spring of 1825, and the Expedition to Portugal has totally changed the case. Ever yours truly

(Signed) H. TAYLOR.

2 D 2

[Original.]]

Letter from W. HILL, ESQRE., to R. W. HAY, ESQRE.

TREASURY CHAMBERS, 23rd February 1827.

SIR,—Having laid before the Lords Commissioners of His Majesty's Treasury your letter of the 15th Instant enclosing a Memorial from Major Cameron on the half pay of the 83rd Regiment praying to be relieved from the loss which he alleges himself to have sustained by the depreciation of the Currency of the Cape, I am commanded by their Lordships to acquaint you for the information of the Earl Bathurst that My Lords do not think that Major Cameron has any claim upon the Public for Indemnification for the losses which he considers himself to have sustained. I am &c.

(Signed) W. HILL.

[Original.]

Letter from JOHN THOMAS BIGGE, ESQRE., to R. W. HAY, ESQRE.

CAPE OF GOOD HOPE, 24th February 1827.

SIR,—At the request of my colleague Major Colebrooke, I have the honor to transmit to you a letter addressed by him to Earl Bathurst containing observations upon the expediency of imposing a tax upon slaves in this Colony, together with the evidence of Mr. Mackrill, a very respectable individual who now acts as first clerk to the Commissioners.

In support of the statements contained in Major Colebrooke's letter, I beg leave to refer you to the evidence of certain individuals taken before himself and me, and which was submitted to the Lieutenant Governor and Council in the investigation which they were lately directed by Earl Bathurst to make, and was I understand transmitted to His Lordship with the minutes of the proceedings of Council. I have &c.

(Signed) JOHN THOMAS BIGGE.

[Enclosure in the above.]

Evidence given by MR. WILLIAM JOHN MACKRILL.

15th January 1827.

You were long I believe an Inhabitant of the Cape ?

Reply. I resided at Cape Town from the year 1807 until September 1826.

Have you possessed Slaves, or have you occasionally hired them ?

Reply. I never possessed a slave. I have always hired them. I also had three prize negroes granted to me for 14 years.

What have been the average rates at which slaves could be hired at the Cape ?

Reply. When I first arrived at the Cape a domestic servant could be hired for twelve rixdollars currency a month, but latterly a man of the same description could not be hired for less than twenty rixdollars a month including their subsistence. Women servants (slaves) could be hired in 1807 for eight rixdollars a month, and latterly for twelve and fourteen rixdollars. These may be considered to be the general rates of hire of domestic slaves amongst the inhabitants, but strangers are liable to pay more. Women hired as nurses are rated much higher : eighteen rixdollars a month may be considered an average rate of hire to an inhabitant.

What is the cost of subsistence of domestic slaves ?

Reply. About 4 skillings or 9 pence sterling a day. They are usually fed upon rice and fish, which are cheap, or sheep's heads, which cost a skilling ($2\frac{1}{2}d.$) each.

What is the cost of clothing domestic slaves ?

Reply. I should estimate the cost of clothing a domestic slave when he is properly clothed according to the custom of the country at about thirty rixdollars or £2 5s. per annum, but clothes are not always purchased, as old clothes are given to the slaves.

Are the slaves in best condition in families where numbers are kept, or in those in which there are but few ?

Reply. Large families of slaves are only kept by the most

opulent slaveowners at home, and their condition is much better than that of slaves who are held by indigent proprietors.

What are the average rates of hire of mechanics and labourers, including coolies and porters ?

Reply. Slaves who are masons and carpenters are hired at two rixdollars, or three shillings a day. The Malay mechanics, who are the most temperate, drink no wine, and it is customary to give them tea, with this exception the owners generally subsist them. Journeymen tailors and shoemakers get $1\frac{1}{2}$ rixdollars or 2s. 3d. sterling a day, and the hirer subsists them. Painters receive 2 rixdollars or 3 shillings sterling a day, and are subsisted by their owners. Coolies and porters are required by their owners to pay a fixed sum per day, which according to circumstances varies from 10 skillings (1s. 10½d. sterling) to 12 skillings (2s. 3d. sterling) per day, and are allowed to enjoy whatever they can earn in addition, subsisting themselves in town. They wear but little clothing. The regulated rates at which coolies are hired are fixed by tariff, but the rates demanded by them are often more than are allowed by the tariff.

Can you state whether the practice of hiring out slaves has increased or diminished of late years at the Cape ?

Reply. I think it has decreased.

To what circumstance do you attribute this ?

Reply. To the increase in other classes of the labouring population, particularly of European emigrants and of negro apprentices called "prize slaves."

Were negro apprentices generally hired out at the same rates at which slaves were ?

Reply. Sometimes at the same rates, and often for less than the slaves, as the practice was not considered allowable, the same demands were not always made.

Can you state whether the negroes whose terms of apprenticeship have expired have generally demanded for themselves the same rates of wages which had been demanded for the hire of them by their masters ?

Reply. They have demanded much lower wages for themselves, probably from their ignorance of the value of their services.

Have you generally found that the wages demanded by free

servants have been higher on an average than the rates demanded for the hire of slaves ?

Reply. In all instances the rates of hire of Hottentots as servants are less than for slaves, and when contracts are made with them for a term of years, considerably less than slaves. The best Hottentot can be hired in Cape Town (where they are dearer than in the country) for four or five rixdollars (6s. to 7s. 6d. sterling) a month. In the contracts for a year it is generally specified that subsistence and clothing should be allowed. The farmers in the remote districts often obtain Hottentots on contract for a year for food and clothing alone, and sometimes with the addition of two or three rixdollars a year (3s. or 4s. 6d. sterling). None of the sons of Dutch farmers go out to service, except sometimes as overseers, and then only in cases where they are in very bad circumstances and cannot get lands. European emigrants generally demand higher wages than are paid for slaves, on account of their superior industry and intelligence.

You have stated that the subsistence of a slave at the Cape usually costs four skillings or nine pence a day, are you aware that the ration of the British soldier is usually rated there at less than six pence, and will you account for this difference ?

Reply. I consider that the difference is to be accounted for by the wholesale prices at which the Commissariat supplies are procured and furnished, and the retail prices paid by the inhabitants.

(Signed) W. J. MACKRILL.

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